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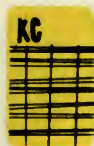


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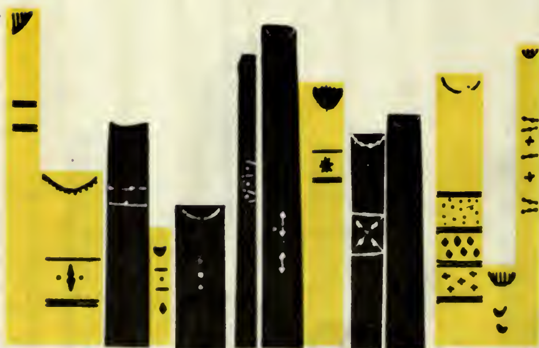

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# NEW MEXICO HISTORICAL REVIEW

Vol. VIII JANUARY, 1933 No. 1

PALACE OF THE GOVERNORS

PUBLISHED QUARTERLY BY
THE HISTORICAL SOCIETY OF NEW MEXICO
AND
THE UNIVERSITY OF NEW MEXICO

# NEW MEXICO HISTORICAL REVIEW

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(INCORPORATED)

*Organized December 26, 1859*

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# CONSTITUTION

OF THE

ORICAL SOCIETY OF NEW MEXICO

(As amended Nov. 19, 1929)

Article 1. *Name.* This Society shall be called the Historical Society of New Mexico.

Article 2. *Objects and Operation.* The objects of the Society shall be, in general, the promotion of historical studies; and in particular, the discovery, collection, preservation, and publication of historical material, especially such as relates to New Mexico.

Article 3. *Membership.* The Society shall consist of Members, Fellows, Life Members and Honorary Life Members.

(a) *Members.* Persons recommended by the Executive Council and elected by the Society may become members.

(b) *Fellows.* Members who show, by published work, special aptitude for historical investigation may become Fellows. Immediately following the adoption of this Constitution, the Executive Council shall elect five Fellows, and the body thus created may thereafter elect additional Fellows on the nomination of the Executive Council. The number of Fellows shall never exceed twenty-five.

(c) *Life Members.* In addition to life members of the Historical Society of New Mexico at the date of the adoption hereof, such other benefactors of the Society as shall pay into its treasury at one time the sum of fifty dollars, or shall present to the Society an equivalent in books, manuscripts, portraits, or other acceptable material of an historic nature, may upon recommendation by the Executive Council and election by the Society, be classed as Life Members.

(d) *Honorary Life Members.* Persons who have rendered eminent service to New Mexico and others who have, by published work, contributed to the historical literature of New Mexico or the Southwest, may become Honorary Life Members upon being recommended by the Executive Council and elected by the Society.

Article 4. *Officers.* The elective officers of the Society shall be a president, two vice-presidents, a corresponding secretary and treasurer, and a recording secretary; and these five officers shall constitute the *Executive Council* with full administrative powers.

Officers shall qualify on January 1st following their election, and shall hold office for the term of two years and until their successors shall have been elected and qualified.

JA 18 '34

Article 5. *Elections.* At the October meeting of each odd-numbered year, a nominating committee shall be named by the president of the Society and such committee shall make its report to the Society at the November meeting. Nominations may be made from the floor and the Society shall, in open meeting, proceed to elect its officers by ballot, those nominees receiving a majority of the votes cast for the respective offices to be declared elected.

Article 6. *Dues.* Dues shall be $3.00 for each calendar year, and shall entitle members to receive bulletins as published and also the *Historical Review.*

Article 7. *Publications.* All publications of the Society and the selection and editing of matter for publication shall be under the direction and control of the Executive Council.

Article 8. *Meetings.* Monthly meetings of the Society shall be held at the rooms of the Society on the third Tuesday of each month at eight P. M. The Executive Council shall meet at any time upon call of the President or of three of its members.

Article 9. *Quorums.* Seven members of the Society and three members of the Executive Council, shall constitute quorums.

Article 10. *Amendments.* Amendments to this constitution shall become operative after being recommended by the Executive Council and approved by two-thirds of the members present and voting at any regular monthly meeting; provided, that notice of the proposed amendment shall have been given at a regular meeting of the Society, at least four weeks prior to the meeting when such proposed amendment is passed upon by the Society.

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Students and friends of Southwestern History are cordially invited to become members. Applications should be addressed to the corresponding secretary, Mr. Lansing B. Bloom, Santa Fe, N. Mex.

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Capt. John G. Bourke in 1875

# NEW MEXICO HISTORICAL REVIEW

VOL. VIII — JANUARY, 1933 — No. 1


## BOURKE ON THE SOUTHWEST

*By* LANSING B. BLOOM

### INTRODUCTION

THE span of life of Capt. John Gregory Bourke, U. S. A., (1846-1896) belongs in the history of the United States to that half century which was "to drive the frontier off the map."[1] While he was a babe in arms the Mexican War was fought. During his boyhood, emigrants by the hundreds and thousands were making their arduous way by ocean route or overland trail to California, to Oregon, to "Deseret," to Texas, to New Mexico. As a youth of sixteen[2] he enlisted in the Civil War; and after his discharge he was appointed to West Point.[3]

In the full vigor of young manhood, Bourke graduated from the Military Academy at West Point in June of 1869, just five weeks after a spectacular event which will always make that year significant in United States history. Far out in the Rocky Mountain region near Ogden, Utah, the Union Pacific Railway, building from Omaha, and the Central Pacific, building eastward from Sacramento, had met on May 10 and the first iron trail then joined the Mississippi

1. F. L. Paxson, *History of the American Frontier*, 423.

2. In an obituary notice *(Journal of American Folk-Lore*, ix, 139) his birth year was given as 1843, due to the fact that, after the fashion of many youngsters in the civil war, he enlisted by giving his age as nineteen. Cullum's *Register* has the dates correctly, but the Heitman register also is wrong.

3. Discharged from the 15th Pennsylvania cavalry on July 5, 1865, he was recommended by General George H. Thomas of Illinois and entered the Military Academy October 17, following.

valley with the Pacific coast. This event marked "the definite beginning of the last stage of the frontier. An iron arrow had been shot through the heart of the Indian country —soon to result in the death and disintegration of that region as a home for the reds alone."[4]

When Captain Bourke died in June of 1896, his span of life was just a few days short of fifty years, and again it is interesting to note the coincidence of his death with the disappearance of the last American frontier. For the year 1896 has been pointed out as that in which the frontier, as such, ceased to be a factor in national affairs. In less than thirty years the process of disintegration had been completed. Here and there, in scattered sections, conditions might still be spoken of as "frontier," but by 1896 any actual frontier, either in a physical sense or in the consciousness of the people, had passed definitely into history.[5]

Between these two dates, 1869 and 1896, which mark off the span of Bourke's manhood years, momentous changes were to take place in the West. From time immemorial the buffalo had ranged the open plains in enormous herds. To the civilization of the white man the buffalo was incidental; it was only one of the game animals which he hunted. But to the nomadic red man of the plains the buffalo was essential; on it he depended for "life, food, rainment, and shelter."[6] And until the period in question, the supply seemed inexhaustable. Dodge, writing in 1877, described a herd which covered about fifty square miles, with about 500,000 head in sight.[7] Another herd was described as covering an area of seventy by thirty miles.[8] Hornaday estimated that herds might include from 4,000,000 to 12,000,000 head.[9]

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4. R. E. Riegel, *America Moves West,* 450.

5. Paxson, *When the West Is Gone,* 91-93. F. J. Turner, who in 1893 first pointed out the significance of the American frontier in United States history, began from the fact that in the *Census Report* of 1890 the frontier had become so broken up as no longer to be accorded recognition. *(The Frontier in American History,* 1.)

6. W. P. Webb, *The Great Plains,* 44.

7. R. I. Dodge, *Hunting Grounds of the Great West.*

8. G. R. Hebard, *Pathbreakers from River to Ocean,* 210.

9. Cited by Webb, *op. cit.*

Inman says that in 1868 he rode with General Phil Sheridan, Custer, and other officers for three days through one continuous herd, and that in 1869 a Kansas Pacific train was delayed from nine o'clock in the morning until five o'clock in the evening in order to allow buffalo to cross the track. During the years between 1868 and 1881, in Kansas alone $2,500,000 was paid for buffalo bones that had been gathered from the prairies, bones that were computed to represent at least 31,000,000 buffalo.[10]

The passing of the buffalo was due principally to the reckless waste of the white man who killed for the market value of the hides; and when he used any of the meat, he took only the choice cuts—often only the tongue. But this wanton destruction also was viewed with complaisance by our federal government, which recognized that the exterminating of the buffalo was helping to solve the Indian problem.[11] "The buffalo and the Plains Indian lived together, and together passed away." The year 1896 marked practically the end of both.

And what of the Indians of the great West? Simply to name over some of the most powerful and warlike tribes indicates how serious was this factor on the western frontier: in the north, the Dakota and the Sioux, the Blackfoot and Nez Percé, the Crow and Cheyenne; farther south, the Shoshone, Ute, Arapaho, Pawnee and Omaha, Kansas and Osage; and in the Southwest, the Kiowa and Wichita, the Comanche, Navaho, and Apache,—this last people a wide-ranging scourge not only of the whole Southwest but also of all northern Mexico from Coahuila to Sonora, and a people not finally "reduced" (as the early Spaniards termed it) until 1886.

From earliest colonial times, the authorities of the United States had dealt with the red man by treaties. "For ninety years the Indians had been treated as independent

10. H. Inman, *The Old Santa Fe Trail,* 203.

11. Roy Willoughby, "The coming of range cattle to New Mexico" (unpublished thesis, Univ. of N. Mex., 1933).

nations. Three hundred and seventy treaties had been concluded with various tribes,'"[12] but after the treaties of 1868 the federal policy was definitely changed. Thenceforth, "agreements" would be negotiated when necessary in forcing the various tribes upon "reservations," but no longer was any Indian tribe, however powerful, regarded as an independent people. Between 1868 and the death of Sitting Bull in 1890, the problem of the western Indian as a trouble maker and obstacle was systematically and definitely solved.

The United States army played a prominent part in the affairs of the West after the civil war. Popularly the work of the army is best known because of the many bloody campaigns which were waged in enforcing the reservation policy of the government; and in fact, a mere tabulation of all the engagements which were fought between 1869 and 1896 fills many pages of the official records. But too little recognition has been accorded to the less conspicuous side of army service; to the maintaining of law and order on the frontier, not by fighting but by its salutary presence as the police arm of the federal government. In the decade before the civil war, and for some years after, in the territory of New Mexico alone the government maintained about 1,700 federal troops at an annual cost of over $3,000,000.00. In 1865, the total force of the Ninth Military department was 1,794 men, distributed in twelve army posts.

While young Bourke was studying at West Point, another phase of the western frontier suddenly developed into national importance. The opening of the Union Stock Yards in Chicago at Christmas, 1865, was an index of the increasing demand for meat in the eastern markets. In the West itself, the overland freighting business was then at its height and large numbers of oxen were required for the prairie schooners. Mining camps needed fresh meat. "The army on the plains was a heavy consumer of supplies. The stage companies had stations to be provided. The Indian agencies received annual caravans of goods for the

12. Paxson, *The Last American Frontier*, 350.

use of their wards."[13] And as the railroads built out upon the plains in the late '60's, their construction camps were large consumers.

There was no cattle industry of importance in the West until after the civil war. It may be said to have begun when, in the fall of 1866, it was discovered that beef cattle could be fattened on the plains and marketed more cheaply than cattle produced upon eastern farms. "It was common knowledge that the buffalo herd lived on the open plains, drifting north each spring with the fresh pasturage, and south each fall before the winter frosts. . . The advent of the railroad coincided with the discovery that beeves could winter in the open on the plains, and brought significance to what had always been known about the plentiful crop of spring grass. There arose at once a cattle industry through which the cow country became a reality.[14] The rise and rapid development of the range and ranch cattle industry during the next twenty years was to be one of the most colorful features of the last American frontier. It was to rank "with Indian fighting and mining as one of the most important western pursuits in the period immediately after the Civil War."[15]

It was, therefore, to a West which was undergoing profound changes that young Bourke came, commissioned a second lieutenant and assigned to the 3rd U. S. cavalry. From then until the year of his death, a chronological outline of his activities will suggest the wide range of his service and the multitudinous opportunities which were afforded him.

His service record briefly is as follows:[16]

September 29, 1869-January 27, 1870: frontier duty at Fort Craig.

To August 26, 1870: stationed at Camp Grant, Arizona.

To August, 1871: scouting in Arizona, being engaged in several skirmishes.

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13. Paxson, *History of the American Frontier*, 535.

14. Paxson, "The Cow Country," *American Historical Review*, xxii, 66.

15. Riegel, *America Moves West*, 495.

16. Based on Cullum's *Biographical Register*, the obituary article by F. W. Hodge *(Journal of American Folk-Lore*, ix, 139-142), and data supplied by his oldest daughter, Mrs. Sara Bourke James.

To August, 1872: aide-de-camp to the commanding officer, Department of Arizona.

In September, 1872: en route to San Francisco, California.

September 28, 1872-March 3, 1883: on frontier duty as aide-de-camp to Bvt. Major General George Crook.

During this period he was in various engagements from December, 1872, to February, 1873.

July 1, 1873-March, 1875: acting engineer officer, Department of Arizona.

May-June, 1875: with the exploring expedition to the Black Hills, Dakota.

May 17, 1876: promoted to first lieutenant.

To May, 1877: acting assistant adjutant-general of troops in the field on the Big Horn, Yellowstone, and Powder River expeditions, being engaged in the capture of Crazy Horse village, and in the fights on Tongue river and the Rosebud, Montana; at Slim Buttes, Dakota; and Willow Creek, Wyoming.

September-November, 1877: campaign against the Nez Percé Indians.

September, 1878: with Thornburg's command, pursuing Cheyennes across the sand hills of Nebraska and Dakota.

September-October, 1879: on General Merritt's march to rescue survivors of Thornburg's command.

August-October, 1880: on exploration of the Yellowstone region.

December, 1880-February, 1881: recorder of the Poncas Indian commission.

April, 1881-June, 1882: on special assignment, investigating the manner and customs of the Pueblos, Navajoes, and Apaches.

June 26, 1882: commissioned as captain, 3rd U. S. cavalry.

April 6-June 26, 1883: acting assistant adjutant-general of Crook's expedition into the Sierra Madre, Mexico, in pursuit of Apaches.

July 9, 1883-January 9, 1884: on leave of absence, during which time he was married and traveled in Europe.

March 24, 1884-June 25, 1885: acting aide-de-camp and assistant adjutant-general to commander of the Department of Arizona.

To September 18, 1885: on frontier duty at Fort Rice, Texas.

October 6, 1885-March 31, 1886: on special duty in connection with Indians of Arizona and New Mexico, and was present at surrender of Gerónimo to General Crook in Sonora, Mexico.

To April, 1891: on special duty at the war department, Washington.
September 28, 1889-April, 1891: under orders of the secretary of state, with the Pan-American congress.
To May, 1891: at Fort McIntosh, Texas.
To March, 1893: in command at Fort Ringgold, Texas, and quelling disorders on the Rio Grande frontier during the Garza disturbances.
March-November, 1893: on duty with the World's Columbian Exposition in the department of foreign affairs, Chicago.
To July, 1894: commanding his troop at the cavalry and light artillery school, Fort Riley, Kansas.
To September, 1894: on duty at Chicago, during the railroad strike.
To March, 1896: stationed at Fort Ethan Allen, Vermont.

Between this last date and the date of his death at Philadelphia, June 8, 1896, Captain Bourke was on sick leave and during these last short three months he made another visit to Mexico City.

The above outline is suggestive of the wide range of Bourke's activities and the intimate personal knowledge which he acquired of the West, from Mexico to Canada and from the Mississippi valley to the Pacific. It indicates not only that he was an army officer, sitting in council with his superiors in rank, but also that he early won recognition as a scientist and was afforded special opportunities to pursue his research in the field and at Washington. In fact, Captain Bourke was a distinguished member of the past generation of scientists which included a choice group of army officers, all but one or two of whom are now gone. As will appear later—and to name only a few at random—Bourke counted among his scientific friends and correspondents men like Frank Cushing, Powell, Matthews, Mallery, Stevenson, Francis Parkman, Dorsey, Fewkes, the Rev. E. E. Hale, Walter Hough, William H. Holmes, Frederick W. Hodge. The fact that at the time of his death he was president of the American Folk-Lore Society shows that he was recognized by his colleagues as an outstanding ethnologist.

From his arrival in the Southwest when he reported for duty at Fort Craig, New Mexico, Bourke felt a keen interest in the Spanish culture with which he came in con-

tact, and an ever deeper interest in the culture of the Pueblo Indians and of the Navaho and the Apache. Apparently soon after his transfer to Camp Grant, Arizona, in 1870, he began a systematic recording of field-notes, and this became a fixed habit which he followed almost to the day of his death. A few of the notebooks are now missing, but 128 of them fill a little over eight feet of shelf-space. The five earliest are heterogeneous in style, but all the others (except three of stenographic type which hold records of the Ponca commission) are of uniform pocket-size, bound in leather, and with Bourke's name and record-classification on the cover.

Of the contents of these notebooks, about seventy per-cent are manuscript entries in Bourke's very fine but legible handwriting. The total volume of these entries can be appreciated from the fact that they are equivalent, page for page, to a printed book. They do not form purely a diary, although as a rule they are carefully dated—especially in the case of campaign records. But in large part also they consist of ethnological data from Bourke's observation of the native peoples and their customs.

Approximately twenty per cent of the entries are "scrap-book" in character: general orders of the army; newspaper clippings—many of which originated from Bourke himself; travel data of train and steamer and hotel; programs and occasionally a menu, all pasted in to accompany the manuscript notes.

The remainder of the space has been utilized by Bourke for pen-sketches or water colors of topographical maps and details, Indians in costume, artifacts, pictographs, Apache vocabularies, New Mexico missions and architectural details. These records also accompany and supplement the written entries.

It is interesting to know that General Crook, in making out his reports, leaned heavily on the field-notes of his aide-de-camp. The chief use which was made of them, however, was as the basis for the books, monographs, and magazine

articles which Bourke himself published, a list of which is given below.

It is known that before his death Bourke was planning to make further use of his field-notes for a book on the Southwest. Certainly there is in them abundant unused material for such a book—or for several of them, and it is through the courtesy of his oldest daughter, Mrs. Sara Bourke James, that these rich historical and ethnological records have been made available.

The pages which follow will be almost wholly in Bourke's own words, excerpts which will unfold a panorama of the changing frontier and of the times in which he lived. As the scenes pass before us, editorial script will be necessary at times, but, it is hoped, not to the extent of altering any contemporary impression or lessening the original "Bourke" flavor. Irish by double heritage, Bourke had a keen sense of humor, together with the gift of keeping a long face. He was a delightful raconteur—and better, he was a most satisfactory auditor. He was a close observer of what went on around him, and he was also cosmopolitan. Clippings and comments on world events and on national affairs are freely interspersed even in campaign diaries. Punctilious always in the observance of social amenities, his notes afford an intimate picture of army life, whether in a frontier town or in official circles at Washington.

In large measure the historical and scientific value of Bourke's notes lies in the fact that they are not autobiographical. He was essentially an ethnologist in his view of life and frequently we look in vain for any personal explanation, even of what was certainly a major event to the man himself. When he was given sick leave, there is no comment on his physical condition. A comparison of his picture taken as a West Point cadet with that taken only six years later reveals the startling change which campaigning on the frontier could make in a man. At the time of the latter picture he was only twenty-nine years of age, but he looks like a man in his fifties. Where vigorous comment on the dis-

comforts and weariness of field-service might be expected, the notes are apt to contain ethnological observations or sketches, or an amusing account of some incident of the day. In short, John G. Bourke was a happy blend of soldier and scientist.

Although Bourke keeps himself so much in the background in these notebooks, yet on two occasions in his life he reveals himself as very human in his reactions. While he was in Washington in 1888, on assignment with the war department and deep in his ethnological research, the post of assistant inspector-general of the U. S. army became vacant. Bourke frankly wanted the appointment, for not only did he feel that it was a promotion to which his services since 1862 justly entitled him but also it would greatly have enlarged the possibilities for his scientific work. Grover Cleveland was president and the appointment went to a man who had greater political influence but who, in the opinion of many, merited it neither by his army record nor by personal qualifications. That Bourke felt very deeply this failure of well earned recognition is evident from his notes. Perhaps it is idle to speculate upon the loss to science by this event, but he was then at the height of his powers and even ten more years of his intensive studies should have resulted in writings of great value.

On top of this blow came another which took him to the depths of sorrow. He received word from Philadelphia that his mother was dying. Parts of the record are too intimate for publication, but we may be grateful that the habit of writing down his thoughts was strong upon him even at such a time. In the dark watches of the night he found surcease for his emotions in writing of his boyhood days, of family friends, of his parents and their ancestry in old Ireland, back to the times of Queen Elizabeth and the Spanish Armada. So we come to an understanding of his own sterling manhood.

## BOURKE BIBLIOGRAPHY

1. *The Snake-Dance of the Moquis of Arizona,* being a narrative of a journey from Santa Fe, N. M., to the villages of the Moqui Indians of Arizona, with a description of the revolting religious rite, the snake-dance; to which is added a brief dissertation upon serpent-worship in general, with an account of the tablet dance of the Pueblo of Santo Domingo, New Mexico, etc. 8vo, xvii-371 pp., 32 pl. Scribners, N. Y., 1884.

   Walter Hough, *Dictionary of American Biography,* calls this "the pioneer publication on the subject, containing much of interest to ethnologists."

   This book was actually published in London, 1884, by Sampson, Low, Marston, Searl, and Rivington, Fleet Street. Bourke made his arrangements with them while on his wedding journey. The explanation of the two imprints (as Bourke records at a later date) is that Scribners bought up three-fourths of the London edition and issued it with the New York imprint.

2. *An Apache Campaign in the Sierra Madre.* An account of the Expedition in Pursuit of Hostile Chiricahua Apaches in the Spring of 1883.

   iv-112 pp., in 3 parts; 12 ill. New York: Chas. Scribner's Sons, 1886. (press of J. J. Little & Co., 10-20 Astor Place, N. Y.)

   Except for the title and preface, this publication is the same in text as title no. 11 below.

3. Compilation of Notes and Memoranda upon the use of Human Ordure and Human Urine in Rites of a Religious or Semi-religious Character among Various Nations. 56 pp. Washington, D. C., 1888.

   As Mr. F. W. Hodge says: "This was the beginning of Bourke's extended studies which led to his *Scatalogical Rites.*" See next title.

4. *Scatalogic Rites of all Nations.* A dissertation upon the employment of excrementitious remedial agents in religion, therapeutics, divination, witchcraft, love-philters, etc., in all parts of the globe. Based upon original notes and personal observation, and upon compilation from over one thousand authorities. 8vo. x-496 pp., ill. Washington, W. H. Lowdermilk & Co., 1891.

   Bourke's notes (Jan. 23, 26, 1891) show that this book was printed by Wilson & Son, Cambridge, Mass., for the "University Press." Yet the imprint shows the above publishers of Washington. As he states in his preface, Bourke used "not only English authorities, but also the writings of the best French,

Spanish, German, Latin, Greek, Arabic, and Celtic authors." After his death, a German edition appeared (1913) by two professors of the University of Berlin, Krauss and Ihm, with a foreword by Prof. Dr. Sigmund Freud.

5. *On the Border with Crook.* 8vo, xiii-491 pp., ill. New York: Chas. Scribner's Sons, 1891. (press of J. J. Little & Co., Astor Place, N. Y.)

   Under date of Omaha, Nebraska, August 12, 1891, Bourke dedicated "to Francis Parkman whose learned and graceful pen has illustrated the History, Traditions, Wonders and Resources of the Great West, this volume,—descriptive of the trials and tribulations, hopes and fears of brave officers and enlisted men of the regular Army, who did so much to conquer and develop the empire beyond Missouri."

   There was a London edition of 1892, put out by Sampson, Low, Marston, Searle & Rivington. Probably this was not a reprint but simply a reversal of what had happened in the case of title no. 1.

6. *The Medicine Men of the Apache.* In Bureau of American Ethnology, *Ninth Annual Report;* profusely illustrated in colors. Washington, 1892.

   Dr. Walter Hough of the Smithsonian Institution who knew Captain Bourke personally and well considered this as "his most valuable contribution to the literature of the Southwest" and "a major work." It has never been given a separate popular edition, but is readily available in the above series.

## MONOGRAPHS AND ARTICLES

7. [Monograph on the Moqui Pueblo Indians, 1874.]

   This is the earliest known published study of Bourke, based on his campaign notes of September-October, 1874. The notebook of that year, page 2, states: "At end of this book will be found a printed copy of the monograph published in the *Daily Alta California* of Dec. 14th, 1874. Also photographs of the Moqui villages." The monograph and photographs have been removed, but an index of the latter reads: "Photographs of the Moqui Villages and Indians. No. 1, Distant view of villages; No. 2, Near view of villages; No. 3, View of 'Moqui'; No. 4, Group; No.5, Moqui Interior; No. 6, Baptism of Indians by Mormons."

8. Extract from a letter from Lieut. John G. Bourke, aide-de-camp of General Crook (dated Fort Omaha, Nebraska, February 25, 1881.) *Proceedings of the American Antiquarian Society* (1881), pp. 242-245, fig.; Worcester, Mass.

9. Memoranda for use in Obtaining Information concerning Indian Tribes. Fort Omaha, Nebr., March 28, 1881. (10 pp.) n. p. This title is known only from a copy pasted in notebooks x-xi.

10. Notes upon the Pottery of the Pueblo Indians of New Mexico and Arizona. Prepared with Special Reference to the Small Private Cabinet of Lieutenant-General P. H. Sheridan, U. S. Army, by John G. Bourke, Capt. 3d Cavalry, A. D. C. to Bvt. Maj. Gen. George Crook. (8 pp.?) n. p., n. d.

    Pasted in with entries of June-July, 1882, is a small cover-page with the above legend. Apparently it belongs to the period immediately following his first assignment for scientific study in the Southwest. Unfortunately Bourke seems to have removed the other pages and no other copy of the little publication is known.

11. With General Crook in the Sierra Madre. An Account of the Expedition in Pursuit of the Hostile Chiricahua Apaches in the Spring of 1883. *Outing Magazine*, Aug., Sept., Oct., 1885.

    Identical in text with title no. 2 except as indicated above. A complete copy is pasted in the notebook of Aug. 19-Oct. 22, 1885.

12. The Urine Dance of the Zuni Indians of New Mexico. From the Ethnological Notes Collected by him under the direction of Lieutenant General P. H. Sheridan, U. S. Army, in 1881. Read by title at the annual meeting of the American Association for the Advancement of Science, Ann Arbor, Michigan, 1885. Above title: "Not for general perusal." At foot of page: "With the author's compliments." 8vo., title-4 pp. n. p.

    Talking with a friend after Bourke had published his *Scatalogic Rites* and other studies "not for general perusal," Prof. Otis T. Mason said that Mrs. Bourke had asked him if he could not induce her husband to write something that she *might* read! Captain Bourke never felt it necessary to apologize for his writings which were intended for the scientific world.

13. Notes on the Theogony and Cosmogony of the Mojaves.

    *Journal of American Folk-Lore* (1889), II, 170-197.

14. Sacred Hunts of the American Indians.

    *Compte-rendu Congrès International des Américanistes*, pp. 357-368, Paris, 1890.

    Under date of January 24, 1891, Bourke noted: "Received a communication from M. Desiré Protor, secretary of the Congrès des Américanistes, Paris, France, saying that . . . he had read an abstract of my paper on Sacred Hunts to the Society—the subject had never before been treated—he would advise me when it was to appear in the Report."

15. Vesper Hours of the Stone Age.

    *American Anthropologist*, iii, no. 1, pp. 55-63. (Washington, Jan., 1890.)

16. Notes upon the Gentile Organization of the Apaches of Arizona. Originally delivered as a lecture before the Anthropological Society of Washington, D. C.

    *Journal of American Folk-Lore*, iii, no. 9, pp. 111-126. (April-June, 1890.)

17. Notes on Apache Mythology. Extract from his journal, under date of October 17, 1884.

    *Journal of American Folk-Lore*, iii, no. 10, pp. 209-212, July-September, 1890.

18. Mackenzie's Last Fight with the Cheyennes: A Winter Campaign in Wyoming and Montana.

    *Army & Navy Register* (Washington), Feb. 2, 1889; also *Journal of the Military Service Institution* (1890), pp. 343-385; and later issued as a separate.

    The campaign started from Fort Fetterman, November 14, 1876.

19. Arrows and Arrow-Makers; by Otis T. Mason, W. H. Holmes, Thomas Wilson, Walter Hough, Weston Flint, W. J. Hoffman, John G. Bourke, U. S. A.

    Reprint from *American Anthropologist*, iv, 47-74 (January, 1891).

    The part contributed by Bourke is "Remarks", pp. 71-74.

20. General Crook in the Indian Country.

    *Century Magazine*, xli, no. 5, pp. 643-660; 12 figures. New York, March, 1891.

    This was the first of a series announced by the Century Company on "The Great Indian Fighters", written by officers who had served under them, illustrated from life by Remington.

21. Primitive Distillation among the Tarascoes.

    *American Anthropologist*, vi, 65-69 (January, 1893).

    In September, 1891, Bourke visited the beautiful region of Lake Patzcuaro, in western Mexico, of which this short paper was a result.

22. The Miracle Play of the Rio Grande.

    reprint from *Journal of American Folk-Lore*, vi, 89-95 (January-March, 1893).

The play *Los Pastores*, as observed on the lower Rio Grande in Texas.

23. The Laws of Spain in their Application to the American Indians.
    *American Anthropologist*, vii, no. 2, 193-201 (April, 1894).

24. Popular Medicine, Customs, and Superstitions of the Rio Grande.
    *Journal of American Folk-Lore*, vii, 119-146 (April-June, 1894).

25. The American Congo.
    *Scribner's Magazine*, xv, 590-610 (May, 1894).
    The paper has reference to *La Virgen Sudanda*, the "sweating Madonna" of Agualeguas, Mexico.

26. Distillation by Early American Indians.
    *American Anthropologist*, vii, no. 3, 297-299 (July, 1894).

27. The Folk-Foods of the Rio Grande Valley and of Northern Mexico. *Journal of American Folk-Lore*, viii, 41-71 (January-April, 1895).

28. The Snake Ceremonials at Walpi.
    *American Anthropologist*, viii, 192-196 (April, 1895).

29. The Early Navajo and Apache.
    *American Anthropologist*, viii, 287-294 (July, 1895).

30. Notes on the Language and Folk-Usage of the Rio Grande Valley (with especial regard to survivals of Arabic custom.)
    reprint from *Journal of American Folk-Lore*, ix, 81-116 (April-June, 1896).
    Captain Bourke was elected president of the American Folk-Lore Society at its seventh annual meeting in Philadelphia, before which body he presented this paper on December 28, 1895. He died the following June and never saw this paper in printed form.

## BIOGRAPHICAL

*In memoriam—John Gregory Bourke.* By F. W. Hodge.
*Journal of American Folk-Lore*, ix, 139-142 (1896).

*In memoriam: John Gregory Bourke.* By Washington Matthews.
*Science*, new series, 4:820 (1896).

*Bourke, John Gregory.* By Walter Hough.
*Dictionary of American Biography* (1928).

## Chapter I

## Family Memories

[Washington] December 11, 1888.[1] Tuesday . . . A telegram was handed me from sister Anna—"Mother is very ill. Come at once." I . . . caught the 11:40 A. M. train on the Pennsylvania, and was by my poor dear mother's dying bedside by 4 o'clock. . .

We were much to each other, she and I. Years had gone by, space had intervened; but across mountains and rivers, in dark cañons and fever-ridden swamps, day by day, year by year, her gentle voice sounded clearly the pious warning to her son that she wished him to strive to be good, —that son who aspired only to be great. When I was a Cadet at West Point frequently her letters would bear the heading: "Seek first the Kingdom of God and His Righteousness and all things else shall be added unto you." Long before I was born, as she often told me, I was dear to her. When I came into the world, as it was on the 23d of June (1846) and almost on Saint John's Day, I had conferred upon me the name John, borne by my paternal grandfather and so many of my people; a few years after, when scarlet fever had almost carried me off to the Farther Shore, my mother, a convert to the Roman Catholic Church and a devout believer in all its tenets, made a vow to "dedicate" me to Saint Gregory, the patron of learning, and that I should assume his name at Confirmation, which was done.

My mother was no ordinary woman; one look at her features would show that. She had been in her youth a woman of considerable beauty. Her wealth of long, silken tresses fell in golden ripples almost to her feet. Her eyes, shaded by long lashes and arched by well-rounded brows, were deep-blue-gray, in which mirth, gentle sympathy and keen, analytical discernment struggled for mastery. The crown of her head rose in a well-rounded, but not too high, dome above her ears; her brow was full, finely shaped and broad; her nose of a pronounced Roman, clean-cut and prominent, chiming in well with the firm chin, whose tenacity of purpose was softened by pretty dimple and a smile which won all who came within its range. Her mouth was rather large, but well shaped, the lips full, ruddy; the teeth

1. From the notebook of December 1-16, 1888.

regular, white, well-shaped; the bearing of the head confident and determined, but ever modest and reserved.

She was born near Strokestown, a pretty little place in the West of Ireland. Her maiden name was Anna Morton and in her blood were mingled some of the best strains of the English and Irish races, (her mother being a McLaughlin). Not many weeks before her last illness, she told my sister Anna that she was closely related to the Fitzgeralds, the Frenchs and other prominent families of that part of her native land; that her aunt was Susan Fitzgerald, of the Geraldines. Educated in the Established Church, she embraced Catholicism in her 16th year, at the time of her marriage to my father. Questions of pedigree and family were never discussed in our home, my parents being possessed of peculiar ideas on that point and believing that a boy should grow up saturated with the strongest belief in himself and none to speak of in his ancestors.

Of my father, I may as well say a word here. He represented the broken down family of the de Burghs, or as they were called in the west of Ireland, the de Burgos, of Norman derivation, of whom Irish history has enough to say. He rarely attended to such matters, but my Uncle Ulick (Ulysses) was very fond of dilating upon such topics, and being my father's senior by some seventeen years had a certain latitude of expression accorded him. As well as I can brush away the cobwebs from my memory, I recall that he often told me not to forget that we were "Clauricarde," whatever that might be; and also that "the Bourkes" were nearly always named John, Richard, Edward, Ulysses and Walter. (My father bore the name Edward Joseph, my grand-father was John, my great-grandfather, Richard, my uncle,—Ulick, etc).

We were also, so he said, closely related to "Grace O'Malley," known in Celtic as "Granuaille." I used to be very proud of this, believing that she must have been a personage of some consequence; this fond fancy was rather rudely shattered when, in after years, I stumbled upon the fact that "Granuaille" was known to the English of the Elizabethan era as the "She Tiger" and the "She Pirate"; that she was wont to attack the Sassenoch tooth and toenail, by sea and land, from her fastnesses in the rocky cliffs somewhere on the Sligo or Galway Coast. She was a Bourke, which means that she inherited as a birth-right all the feroc-

ity of Norman pirates, Irish freebooters and, perhaps, Saxon cannibals. Besieged in her castle by the English troops, the commander of the investing forces erected a gallows, sounded a parley and announced to the gentle gazelle that her husband was a prisoner in his hands and, unless she yielded up the fortress within twenty-four hours, should swing from the gibbet before her eyes. "Hang him if you want to," replied the dauntless virago,—"a woman such as I can get another husband as good as he anytime, but I can never get another castle." How the surrender was finally brought about, I don't remember; but she afterwards appeared at the Court of Queen Elizabeth, at the time when that astute, red-headed old mass of vanity was trying her blandishments and cajolery upon the O'Neil and other Irish leaders,—and created something of a sensation among the ladies of honor by coolly helping herself to the Queen's handkerchief. When she left the Court, Elizabeth is said to have parted from her very graciously and to have asked her to be her friend.

Only upon one point would my father ever open his mouth. He was assured in his own mind that we were closely akin to Edmund Burke, whose father spelled his name "Bourke."[2] An examination of any good Life of Edmund Burke will show that his people originated in the very same section of Ireland as mine, had the very same Christian names, etc. Some of my father's people left Ireland early in the present century, coming to America and settling near Seneca Falls, N. Y., as he informed me. Of these people I have never heard anything, but believe that they are the same as those who at a somewhat later period lived in Cleveland, Ohio.

In personal appearance, my father was a noticeably handsome man: over six feet in height, strong-limbed, broad, square-shouldered, full chested, and straight as a rush, he was an excellent match for my mother's grace and ease. His face was indicative of character; a firm, but tender sympathetic mouth was nearly always hidden by a heavy brown moustache, of the same hue almost as the somewhat redder beard which clustered about cheeks, chin and throat. His nose was finely shaped, like mother's, Roman, and overlooked by deep-brown eyes flashing with intelligence and sparkling with genial good humor. His

2. Captain Bourke himself always pronounced the name "Bur-r-k", not "Boork".

eyebrows were heavy, well defined and rounded, a characteristic derived from his ancestors and transmitted, along with nose, mouth and chin, to his descendants.

Both father and mother were fortunate in an education not common to the usual run of Irish emigrants. Neither made pretensions to the so-called "accomplishments," but in the solid essentials of mental training they were most respectably endowed. Father had an especially good English rudimentary discipline; his grammar was exact, his spelling faultless, his hand-writing, clear, rapid, perfectly legible. He was thoroughly grounded in the Higher Arithmetic, in Algebra, Trigonometry and Plane Surveying. One of my earliest recollections is of a trip made with him to Red Bank, N. J., where he showed me the small monument commemorating the Hessian General, Count Donop, killed in the battle with the Colonial troops at that place, and then his explanation, which I couldn't grasp at the moment, of the method of determining the height of a tree by its shadow and that of a stick, and how to measure the width of a stream in the same manner. He had a good knowledge of Latin, a meagre one of Greek, some slight acquaintance with French, but a very thorough familiarity with the old Gaelic, and was fond of reading the poems of Ossian and other works in that language.

His soul was touched by music and many an hour was whiled away to the inspiriting notes of his violin, while mother, in unwonted excesses of domestic pleasure, would often delight us with the graceful dances of Ireland. He was something of a painter too, but nearly everything from his brush was given away to friends; all that now remains is one of his first efforts, the scarcely more than outlined and never finished "Flight into Egypt" now hanging in our parlor.

My mother was equally well instructed according to a similar ground-plan. She was educated in an academy for girls, in Sligo, which must have been well managed, for a more carefully trained woman in English studies, history, and the Belles Lettres of half a century ago I have never met than my own mother. She could quote Hemans (Felicia), Moore, Scott and Byron by the hour, and was well read in much of the prose now forgotten and out of date, such works as Tristam Shandy, Goldsmith's Letters of a Citizen of the World, Paul & Virginia, Studies from Nature (Bernardin de Saint Pierre), Montaigne's Essays (translated), Picciola,

The Exiles of Siberia, the blood-curdling novels of Ann Radcliffe, and many others of that same type were perfectly familiar to her.

For the past twenty years, she had found no time for indulgence in the quaint forms of embroidery in which she once excelled, but I shall never forget the gold bullion decoration, the different forms of appliqué work and stitching, for which a man can find no names, but which are ever dear to the heart of the true woman.

The accomplishments which have appealed to the animal man and will ever appeal to him,—from the Expulsion from the Garden of Eden until the End of Time,—were conceded to be hers in a superlative degree; her cakes, preserves and pickles bore the palm and were the one besetting source of Vanity for which I am afraid the poor, dear soul must be responsible on the Day of Judgment. If they hadn't been so good, she wouldn't have been so vain about them; neither should I have been tempted to steal them so frequently and then perjure myself out of the scrape by maligning the character of our cat.

Mother's people on one side were Protestants,—unequivocal, unyielding, unadulterated Protestants, ready to toast the king and damn the Pope, and laying claim to a higher culture than their poor, ground-into-the-dust, Irish Papist neighbors, who, with no souvenir of the Past but their Pride, scornfully derided the pedigrees, despised the cultivation, defied the government and damned the religion of their invaders.

So, while she had had the instruction of well-planned schools, my father's youth, less fortunate, had imbibed the "principiae" of learning in a Pierian spring presided over by an Irish Hedge-School Master. Up to the early years of my father's boyhood, but more emphatically still during the youth of my Uncle Ulick (who, as I have shown, was older than my father by some seventeen years, having been born in the closing hours of the last century) the policy of the English Government towards the Catholic Irish had been one of repression, coercion and cruel tyranny.

The Penal Laws, fallen into desuetude in the more populous districts, were still executed at the caprice of domineering magistrates in the wild and unsettled mountain districts. According to these laws, it was a capital offense to harbor a priest for more than twenty-four hours, death for him to say mass or remain in the country a day, death for

a school-master to open an institution of learning:—almost a capital offense for a Roman Catholic to keep arms and ammunition in his house, or to resist the search which was arbitrarily made at the most unseasonable hours. A Roman Catholic could not inherit in the presence of a Protestant claimant, no matter how distant might be the relationship of the latter. A Roman Catholic's evidence could be impurged and invalidated on the most shadowy pretext, in open court. A Roman Catholic mounted on horseback, could be approached by a Protestant and tendered by the latter before a witness the sum of five pounds for his beast and trappings: if he declined to accept this sum, the Protestant could compel him to surrender the animal without any compensation whatever.

These were the "penal laws," famous in story, ferociously formulated and administered in the reigns of Elizabeth, of William and the first of the Georges. Self-interest and a growing sense of danger were gradually having their effect. The principles leading up to and culminating in the French Revolution were softening the savage intolerance of England in two different ways: the growing generation was less bigoted and intolerant in its religious views, and, under some points of consideration, a Roman Catholic, loyal to the throne, was a more desirable subject than one who, fleeing to France, might there become saturated with the damnable heresy" that one man was as good as another, and returning to his native bogs would inspire the peasantry to dreams of conjunction with Gallic Atheists, and to fresh conspiracies against law and order, as the English gentleman interpreted these terms.

So, it came to pass that, altho' the Penal Laws remained on the Statute Books, (if I am not grievously in error, their repeal was first agitated in the reign of George II, but not fully consummated until the early years of Victoria)—their enforcement had become a thing of the past. Schoolmasters, some educated in France as of old, some educated the Lord only knows how and where,—began to gather about them the "gossoons" of the rural districts, who, to the eternal credit of the Irish race be it spoken, were, as ever, eager to acquire "a taste of larnin' ". These masters established their "hedge-schools" almost where they pleased, but, even down to the times whereof I am trying to write, the favorite locations were in isolated bogs, on wild moors, or under the shelter of some lovely hill-side. Scholars who could afford

to pay for the privilege were expected to bring a fee, but Celtic generosity never yet has sent the poor away empty: the poorest could and did receive tuition, alongside of those richer in the goods of this world. Only one exception, or seeming exception, was made to this liberal rule; all scholars were expected to bring a daily donation of one or more bricks of "turf," for the school-fire; those unable to make such a contribution were debarred the privilege of sitting in the row nearest the genial flames which warmed the shins of the opulent.

Among these school-masters were included all kinds of men,—good, bad and indifferent, but, certainly, whoever laid the basis of my father's education was a person of capacity and ability.

The home-life of my parents was singularly placid, genial and tinctured with a strong flavor of religion, without the slightest suggestion of cant. Family prayers were habitual as both father and mother were of the type known as "practical Catholics." Each was thoroughly instructed in dogma and ritual. When my mother first came to Philadelphia, she asked for the privilege of teaching a class of youngsters in the Sunday-school of Saint Phillip's Church, then in Queen St., I think.

Their manifold questions and her own ambition and intelligence united to ground her absolutely in every point of minor theology. I never saw a cross look pass from one to the other, never heard a cross word, and never heard my father swear,—only once when, under some excessive provocation from one of my boyish freaks of mischief, he said "Damn it," and I must admit, didn't say it a moment too soon.

My mother and grandmother sailed for America in the cabin of the good ship, "Virginia," Captain George Barstow of Maine, owner, commanding, arriving in Philadelphia sometime in 1839, or 1838, I think. They brought with them, as so many of the better class of people arriving in this country did, in those days, several large iron-bound chests, filled with sheets, towels, pillow-cases, table-cloths, etc., made of the linen for which that part of their country was then noted; the last one of these towels was used up and thrown away by me on the last day of my stay in West Point as a Cadet— 1869. Captain Barstow became deeply attached to the two young passengers, and was loth to be-

lieve that the younger was a bride on her way to America to join her husband.

He remained their devoted and attached friend for all the days of his life. He made them acquainted with the Justice family in Philadelphia, an acquaintance which ripened into friendship subsisting to the present hour, handed down to the grandchildren of the original Justices. He spoke to all his kin in Maine about them, so that among her strongest admirers mother numbered the Barstows, Borlands, Gliddens, Metcalfs, Kennedys and Mooneys of Damariscotta and Newcastle, visiting whom, some years ago, she and my sister Anna were received with every demonstration of affection. Upon my graduation, I passed the summer of 1869 in Damariscotta with my sister Anna, and never had a better time in my life. The people in that neighborhood were refined to a high degree, had traveled, studied, thought over and debated upon many of the great problems of life; were devoted to music, both vocal and instrumental, and devoted likewise to all rational pleasures. Great incomes were unknown, but each family had a sufficiency and there was no poverty. Moonlight drives, picnics, clambakes, yachting parties and teas succeeded each other without intermission, the summer passing rapidly without a cloud upon its horizon of good feeling. There were brawny, muscular young men; amiable, cultivated, high-minded, beautiful maidens; matrons who knew how to care for their households, to train up their children, and yet retain some interest in the topics and literature of the hour.

I wish to indicate especially one yachting party of which I was a member. Night approaching, we ran along the coast, heading for a light-house, (the "Seguin" Light I believe it was called) where we hoped to find shelter. This was on an islet of granite jutting out from the breakers. We ran in on the coast, or sheltered side, entering a little cove, and anchoring beside a boat, belonging to Mr. Williams, the light-house keeper. My previous ideas of a fisherman's home had been the traditional ones of a humble cottage, in which grimy hands were constantly repairing nets, and hands still grimier were cleaning and drying fish in the fire-place. Nothing of the kind could I see. The Williams were evidently people qualified to ornament any circle. Their parlor was handsomely furnished and the young ladies kindly favored us with singing (very good singing it was), and selections upon the piano. There were books, news-

papers, magazines,—but scattered all about were treasures from the vasty deep and souvenirs of travel from India and far Cathay. This whale's tooth was brought home by "Uncle Bob"; he was lost years ago on a voyage to Hong Kong; this carving from China was sent us by "Malinda's husband," and so on through the list. Everything spoke of the sea,—of the great, cruel, salty monster, the terror for ages of the human race, but despised, conquered, whipped into submission by these clipper-building Yankee mermen and mermaids who talked slightly through their noses. "Yankee thrift" was demonstrated everywhere. Viewed as an agricultural proposition simply, all of the state of Maine that I saw,—the coast strip from the S. E. corner to the mouth of the Penobscot,—would be worth, to an extravagant man who didn't care how he lavished his money,—about one dollar and seventy-five cents; no farmer in Kansas or Nebraska could be induced to accept it as a gift. Yet the hardy sons of the Granite State have never complained; they have only worked the harder to compel reluctant Nature to yield her bounties. They built their own clippers and then manned them with their own sons; they built their own fishing fleets and sailed them to the "Banks" to load up with mackerel and cod. Salting, drying and packing these, they ran down to Boston, discharged cargo and loading up with furniture, sugar and other groceries and dry-goods, returned to Maine to exchange for ice, with which they made a trip to the Spanish Main, generally realizing handsomely and investing the money in sugar, tropical fruits or, maybe, dye-woods.

Thus, every edge was made to cut. Every sail was spread to catch a favorable breeze. Some change, however, was becoming perceptible in 1869. The fishing fleet was hanging closer to our own littoral, seining vast catches of "porgies" and reducing them to oil, to be used in the manufacture of leather. Every spit and headland for leagues along the Atlantic was disfigured by a long, low building wherein, by day and by night was kept up the noisome, stinking boiling of "porgie" oil.

I am wandering somewhat from my topic which was to allude to the lovely people living in this Arcadia of sturdy manhood whose shepherds played no ear-pleasing Pan's pipe, but sounded the shrill whistle of the boatswain on the crest of foaming billow; whose maidens were gentle, high-bred women fit to be the mothers of America's best man-

hood. Of these men one of the best exponents was Captain George Barstow; and of these women, none nobler or more radiant could be found than the duchess-like Miss Glidden, (the niece of Captain Barstow) who married Mr. Thomas Belcher, a prominent dry-goods merchant of Philadelphia. It is proper that mention should be made of the Belchers and the Justices because I was to find representatives of both these families at my poor mother's side when the final summons had come.

But in Philadelphia, my father and mother met another person, who has since made a figure in the history of our country,—the Hon. Lewis C. Levin, a most eloquent orator, a man of considerable ability, great talents and noble character. Between him and my father, as between his wife and my mother, there sprang up a very close intimacy, which lasted so long as life lasted and has been passed along from generation to generation in the two houses. Levin was one of the most radical members of the Native American party, opposed to all foreign immigration and a bitter enemy of Popery. My father, as already shown, was a determined Roman Catholic, and when the party to which Levin belonged had resorted to burning and destroying churches (Saint Philip's, Saint Augustine's, etc., in 1844) my father shouldered his musket and was one of the first to take station behind the tombstones in the graveyard of Saint Mary's, on 4th St., to defend that church so dear to the Catholic population. Lewis C. Levin naturally found his way into the National Congress and was a conspicuous figure at a time when Webster, Clay and others were at the zenith of their fame. His elevation never blinded him or lessened his intimacy with my father whom he consulted upon many questions. To his influence may be attributed my father's strong Americanism, his love for and knowledge of our constitution, of which so few foreigners nowadays know any fundamental principle, his belief that the rights of citizenship should not be conferred until after an immigrant had lived in this country at least ten, not five, consecutive years, etc. As in the case of the Justices and Belchers (Barstows), so in that of the Levins, I found one of their family, their daughter Louisa, since Mrs. L. C. DuBarros, in attendance at my mother's bed-side. Friendships of this duration, of this intensity, resisting the mutations of war and peace, and those incident to the hurly-burly of our busy American life are worthy of note; they show that, on

each side, there have been elements of nobility, mutually attractive and mutually deserving of the highest respect. . .

Thackeray has somewhere said that there never yet has been an Irish gentleman so poor that there wasn't another Irish gentleman still poorer waiting around the corner to borrow five shillings from him. This was strictly true in our family. Truly, did my parents believe—"The greatest of these is Charity." They were never tired of giving and never waited for the pleading hand of poverty to be thrust in their faces; they hunted up the needy and unfortunate, giving counsel, gentle sympathy, food, clothing, money,—anything they could possibly spare. If there ever was a maxim of Life-Conduct ground into me it was this: that a gentleman was ever noble; that his nobility was most surely proved by his quiet, unostentatious kindness to the suffering, and that one of the first Christian duties was "to visit the sick and to bury the dead."

I have buffeted with the World—have had my share of trials, tribulations, dangers; been elated with the aspirations of ambition, stung with the bitter disappointment of defeat; have found the world a Dead Sea apple,—have known great men and ignoble ones, fair women and false, but throughout all life's changes I have clung to the truth in this one line . . . "The Greatest of These is Charity."

When I entered the room where my dear mother lay dying, I was silently accosted by those in attendance; Mrs. L. C. DuBarros, spoken of in the preceding pages; the wife of my brother, Joseph Morton Bourke; Helen Killion; and Mrs. Murtland. Helen Killion was a very noble woman. An Irish servant-girl of the higher grade, who had lived nearly all her life in the best families, she met with some accident years and years ago and going to my mother for sympathy, found it. She was told not to worry, but to come straight to our home, take what could be given her, and if she found herself at any time able to do a little work about the kitchen or dining-room, to do it; if not, not. She remained with us until strong enough to obtain employment elsewhere, but never forgot the kindness, and, even when old age began to make its mark upon her, would from time to time, drop in to assist in our household upon hearing that mother was ailing. She must be now not far from seventy years old, but still bright and active, an accomplished cook, and a noble woman. . .

Mrs. Murtland and mother were girls together in Ireland and often, as Mrs. Murtland has delighted to tell me, they used to take off shoes and stockings and paddle about in barefooted glee in the limpid waters of a brook near Strokestown.

I am anticipating a little in writing here what Mrs. Murtland did not tell me until later in the evening at tea, when she said, "John, I've known your dear father and your dear mother for more than fifty years. Your father was a noble, honorable, Christian gentleman: I always was proud to regard him as a brother. You must tell your little children about him and bid them remember that they must be proud of him for he was one of the old family of the De Burgos." . . .

Mother was bright, cheerful, resolute, but very weak. Her mind was clear and calm, but her strength was gone. . .

Seeing that she was worrying about my great disappointment in the matter of the Inspectorship, I took occasion to assure her that I was not in the least cast-down, that everyone in Washington recognized that record and merit had not been considered; that my friends in the army and out of it had not hesitated to express their condemnation of the whole transaction which would result in worse consequences to Cleveland than to me. Indeed, some of the papers, the "Sun" of New York among others, had come out with an opinion that the Senate would never confirm the nominations. Mother smiled grimly and, shaking her head, said: "I am glad the Senate has knocked old wind-bag Cleveland to one side. He never was a gentleman and couldn't tell a gentleman when he saw one. He was a coward during the war and didn't have the courage to go out and fight for his country when she needed him." . . .

There were many friends calling at the house. . . Miss Breen . . . was my school-teacher in the parochial school attached to Saint Mary's R. C. Church, 35 years ago. She was then what is called an "old maid," being close on to forty, but still as then a very handsome woman, erect, lithe, fine complexion, bright eyes, pleasant, contented expression. She has always lead a pure life and has enjoyed freedom from care, being in possession of a good income, more than enough to justify every want. . . Saint Mary's School was noticeable for two facts: better, nobler women than the teachers, especially Miss Breen and Miss Clark, never

breathed; while the urchins assembled included some of the worst brats the sun ever shone upon.

There were many good boys too, but there was no means of keeping the bad boys in proper subjection. I have since learned that two of those boys were hanged, and two sent to the penitentiary. I am so bitterly opposed to any attempt on the part of the Roman Catholic Church to interfere with our public school system that I insert the above to give an idea of the experience which has led me to this conclusion. . .

December 13, 1888, Thursday. Mother perceptibly weaker in the morning, but cheerful and resigned, having already received the last sacraments (on Tuesday, just before my arrival). My cousin, Lizzie Griffiths, came up on the morning train from Wilmington. Her husband, Richard Griffith, City Treasurer of Wilmington, was one of the two candidates the Democrats were able to re-elect at the last contest when the Republicans succeeded in obtaining control of the state, for the first time in its history . . .

Lizzie is the living image of her mother, my father's sister (Catherine Bourke). She looks for all the world like one of the Spanish beauties put on the canvas by Velasquez,[3] and in her appearance, movement and manner, recalls the fact that Ireland had former close relations with the Castilian monarchy, that during the dispersion of the Spanish Armada, many of the finest vessels went to pieces against the cruel cliffs of Sligo and that Sir Richard Bourke delivered over to Sir William Bingham sixteen hundred dollars of gold, the distinctive ornamentation of the young Spanish noblemen shipwrecked on his coast, and whom he is credited with having put to death. But there's a more charitable interpretation possible—that he gave up the gold collars as a "blind", and allowed the young hidalgos to be secreted and absorbed among the population. Certain it is that we have a tradition of Spanish blood being in our family some hundreds of years ago and Lizzie's type of beauty gives it the fullest possible corroboration. . .

. . . Mother said to me: "What hour is it, my son?" "Half past ten, dear mother." . . . She asked me to kneel down and receive her blessing, and called upon God to bless me and my dear wife, my children and our children's children forever; and my wife's parents, in all things. Then my brother Joe came in and received her last benediction . . . Perhaps, it may be well to say that when the Viaticum

3. Bourke had visited some of the European art galleries five years before this.

was administered to mother, as it was last evening, her wonderful strength of voice and will made a powerful impression upon the officiating priest, Father Denver, (who told me he was connected with the army, being a nephew of old Colonel Denver, after whom the grand metropolis of Colorado takes its name.) He hesitated about performing the last rites until assured that both Dr. Morton, Sr., and Dr. Morton, Jr., had no hope of her living twenty-four hours. Mother collected herself with her usual force of will and in a clear, resonant voice, audible in the next room, recited spontaneously all the prayers appropriate to such a solemn occasion. These were the "Confiteor," or Confession of Faith, and Act of Resignation to the Will of God from Whose Hand Death comes to us: one of Faith in all that the Catholic Church teaches; one of Hope in a blessed Immortality, one of Charity, or Love towards all the World, accompanied by a specific declaration of Forgiveness of all those who have, in any way, injured us; one of Contrition for all our Sins. The concluding prayers were the Pater Noster, the Hail Mary, and the Invocation composed by Saint Bernard of Clairvaux, asking the Intercession of the Blessed Virgin in the hour of our trouble. It is a beautiful service. I care not how atheistical may be the man present on such an occasion, his soul will be moved to its depths by the pathetic pleading, the humble confession of human frailty, the confident hope, the sublime faith, the ample forgiveness of all injuries, made manifest by the devout Catholic soul, on its entry into the Valley of the Shadow.

There is always, when possible, an altar prepared upon which burn candles typical of the Light of the World to Come, and upon which also are placed sacred pictures or carvings, generally statues of the Madonna and the Crucifixion of our Lord. In the hand of the dying is also placed a crucifix, or the Rosary. The bystanders are requested to kneel down, the last absolution and the Eucharist are given, and if circumstances permit, the Seven Penitential Psalms, or one of the Litanies is chanted.

In my mother's case, death came more slowly, and she lingered for hours on the threshold before crossing into the Beyond . . .

December 14, 1888, Friday . . . The Angelus bells were ringing the hour of noon and the clock marked twelve. All

we could say, all we could feel, was "Thank God," the agony was over.

I went in . . . and tried to pray. I suppose I did mutter some words, but my heart went back years at a bound to the days when I was that dead mother's baby son, her wild, wayward boy, her joy, her idol. . .

"The night has a thousand eyes,
And the day but one;
Yet the light of the bright world dies,
With the dying sun.

"The mind has a thousand eyes,
And the heart but one;
Yet the light of a whole life dies
When love is done.[4]

4. A clipping inserted from the Washington *Capital* of December 30, 1888.

# THE NAVAHO EXILE AT BOSQUE REDONDO

*By* CHARLES AMSDEN

JANUS, the two-faced god of ancient Rome, would have been an appropriate deity for the Navaho of the early 19th century. The tribal countenance of this time has two markedly different aspects, and in the accounts of contemporary observers we find high praise and scathing blame strangely intermingled. Weaving was in its most brilliant stage, the bayeta period, and the fame of the Navaho blanket grew like young corn in summer. That was the smiling aspect of Janus, and for it we may thank the women of the tribe. His sinister side is seen when the activities of the men are probed, and we find that while the women sat peacefully at home plying spindle and batten to the ever-growing glory of their craft, the warriors were no less intent upon a reputation in their own right. They were out pillaging the communal lands and herds of the Pueblos and the isolated farmsteads and small villages throughout Spain's remote province of New Mexico.

Thus did it come about that the native resident shuddered at the very name which to the visitor from the United States called up a pleasing image of pastoral bliss and honest industry; and if one asked a chance acquaintance for an opinion of the Navaho, the tone of the reply would depend greatly upon whether that person had just bought a blanket or lost a band of sheep. But the men managed to ravel the tribal repute much faster than the women could spin it, and it was generally agreed throughout the Spanish settlements of the Rio Grande valley, from Taos on the north down to sun-baked Socorro, that the Navaho were the foremost scourge of a land that knew its scourging well. Scarcely a chronicler of the period, from Zebulon Pike in 1807 to "El Gringo" Davis in 1857, neglects to pause a moment in his narrative and curse the raiding Navaho, ac-

tive on a front extending from the Hopi villages of Arizona to the Comanche country in Texas.

And just as the weavers of the period were encouraged and stimulated by the warm reception given their vivid and durable blankets by Mexican settler and American visitor alike, so were the raiders favored by the political fortunes of the time. Of the growing tension between Spanish and Anglo-Saxon America they knew and cared little. Free as wild antelope and simple as children, they had yet to learn that the world is a large place, filled with tribes of white men who fight among themselves like tribes of Indians. So slowly did this lesson penetrate the Navaho mind that the new tribe known as Americans had them crushed and utterly beaten almost before they had convinced themselves that any serious harm lay in these handfuls of ruddy-faced soldiers who were continually riding into their country, alternately to intimidate them with threats of extermination and to wheedle them with promises of gifts and protection —always in the name of a chief known variously as "President" and "Washington." The Navaho heard much of this chief in the parleys his fighting men were always so willing to hold. A great believer in talk he seemed to be: treaties were his solution for every trouble, with much big talk about peace and friendship. That was probably because his soldiers obviously did not know much about the country or about Indian fighting, or because Big Chief Washington was afraid to lead his own war parties against the powerful, swift-riding Navaho. These boastful, talkative Americans were no more to be feared than the Mexicans who had been living on the borders of the Navaho country for so many years now, or than the faint-hearts known as Pueblos—a tribe of farmers at heart who were no match for fighting men. None of the three was a real menace to Navaho freedom, being rather a welcome annoyance, adding a fine thrill to the roving, marauding life; and what a great life it was, raiding the Pueblos and the Mexicans for livestock and women, and parleying with the Americans for presents!

Boom times were these for the Navaho, ending—as such times do—with a crash that set their world to ringing.

### Exit Spain

New Mexico fell just short of three centuries under Spanish rule. Francisco Vasquez Coronado, the explorer, claimed the territory for Spain in 1540 and his priests at once set about its Christianizing; Juan de Oñate, the colonizer, began its settlement in 1598, and Diego de Vargas, the conqueror, definitely established Spanish sovereignty after the bloody events of the Revolt of 1680. With the 19th century revolt charged the air again: in 1810 Mexico declared its independence of Spain, and remote New Mexico had another master before it fully realized that such great changes were even in the air. But the first regime of independence in Mexico was not a successful affair, and it was not until 1824 that our distant northern province began to notice a sensible change in its fortunes. In that year it rose to the dignity of statehood in a territorial merger which included Chihuahua and Durango, with Chihuahua City the capital of this splendid political creation. Durango, jealous of Chihuahua, objected to the arrangement; so New Mexico was cast adrift as a territory later in the same year. In 1836 came a new constitution for the Republic of Mexico, and New Mexico was made a department in a sweeping political gesture wihch fixed neither eastern nor western limits to its extent; and as such it continued until the American occupation of 1846 came as the forecast of a permanent change of sovereignty which was to offer the erstwhile forgotten province the honor of figuring again as a territory, then as a state once more. New Mexico is the original "football of politics;" it has been everything, some things twice.

These changes of political stature and complexion meant nothing to the free and belligerent little nation living in the rugged, barren country lying between the San Juan and the Rio Grande rivers, on the northern borders of Spanish America. The Navaho may have noticed that

raiding was more profitable and less risky than it used to be, with their Mexican neighbors deep in politics and the Americans creeping in over the Santa Fe Trail to add a new element of uncertainty to the complexion of the times. At any rate they were at their raiding best during this time of political change. Bancroft the historian records a treaty of peace with them in 1823, with trouble again in 1825 (comment enough on the durability of treaties!), and "continued hostility" in 1840-41. L. Bradford Prince, another chronicler of these turbulent years, tells us that Juan Bautista Vigil ( later the last of the Mexican governors of New Mexico) made campaigns against the Navaho in 1823, 1833, 1836, and 1838, and summarizes the situation with the words: "All through this period, down to the final overthrow of the Navajoes long after the American occupation, there existed an almost constant condition of warfare with that powerful tribe." The Navaho had boasted that they let the Mexicans live on, only because of their usefulness as shepherds to the tribe, and the taunt seems scarcely to have been an exaggeration of their power. New Mexico was under their thumb, and they bore down where and when it pleased them. But events were shaping themselves to relieve the pressure.

### The United States Steps in

General Stephen W. Kearny occupied Santa Fé with American troops in August, 1846, as one of the strategic moves of the Mexican War. He learned quickly enough that his problems of conquest and pacification included an enemy within an enemy, for later in the same year he instructed Colonel Alexander W. Doniphan, already on his way to occupy Chihuahua, to give some attention to the Navaho situation. Major William Gilpin of Doniphan's command accordingly led two hundred men marching up the Chama valley, down the San Juan river and up the Little Colorado, cautiously circling the Navaho territory in a maneuver

that must have proved surprising to its occupants. Doniphan with his main force went meanwhile to Albuquerque, down the Rio Grande to the mouth of the Rio Puerco, and up that stream to Ojo del Oso, where New Fort Wingate later stood. There the two forces joined and a treaty was signed with a number of Navaho who had been gathered in for the occasion. The treaty did little beyond forming an acquaintance between American and Navaho which was destined never to ripen into a beautiful friendship, but one incident of the negotiations is worthy of record. The Navaho were being gently rebuked for making war on the Mexicans, and one of their number replied that he could not understand why they should not do what the Americans themselves were doing! And Doniphan had to explain rather lamely that he was fighting the Mexicans with one hand and protecting them with the other. As a cowboy would say, it was a private scrap, not a free-for-all; but such fine points were beyond the simple Indian.

Doniphan's treaty of 1846 aged rapidly and to little purpose, with Navaho raids more frequent than ever; so in 1848 Colonel E. W. B. Newby replaced it with another, after an "expedition" under his lead had plunged madly into the Navaho deserts and come out almost without firing a shot. In 1849 came Major John M. Washington who marched from Jemez to Cañon de Chelly, where a "lasting peace" was concluded with the Navaho thereabout. The latter turned over some stolen property and captives, and agreed to make a larger delivery at Jemez thirty days later. Washington jogged on happily to Zuñi, and upon his return to civilization he learned that the Navaho, instead of going in repentance to Jemez, had raided Santa Fé!

The "lasting peace" lasted almost two years : 1851 found Colonel E. V. Sumner leading the American army's almost "annual" tour of the Navaho territory and giving his followers an extra thrill by marching ten miles into Cañon de Chelly, greatest of Navaho strongholds. As usual no serious accidents marred the perfect enjoyment of the out-

ing, and Sumner reported the Navaho "completely overawed." The Americans did gain an important tactical advantage from this junket, by establishing Fort Defiance—first military post in the Navaho country—in 1851-52. This bold gesture of a "great power" toward a petty handful of half-savages rather belied its terrifying name until in 1854 a soldier of the garrison was killed (apparently by a Navaho) and the tribe was induced to apprehend and hang the culprit in solemn assembly of the troops. It was later learned that they had substituted a Mexican captive in the role of honor of the occasion; yet people will say that the Indian has no sense of humor!

Fort Defiance had its dampening effect upon Navaho activities for a time (aided by a judicious distribution of goods to the spoiled tribe), but in 1857 a negro servant was killed and warfare resumed its desultory round. In 1860 the Navaho attacked Fort Defiance but were repulsed, and a retaliatory sortie rather carried off the honors of the affair by killing many of their horses and sheep. Again the Americans had scored a point—one that was to prove very useful in later actions of the same sort. The Navaho, as usually they did when they found themselves in a tight place, sued for peace; diplomacy had become almost a recognized profession among them, and they understood its uses. It was the year 1861, and Indian affairs were giving way to graver matters in the military mind. So the small war was concluded with a treaty while the larger one got under way on the distant Potomac.

## CARLETON AND CARSON

Fifteen years the American army had occupied New Mexico, and the mythical Swiss navy could hardly have been less effective. The Indians ran riot: Navaho on the northern frontier, Comanche and Kiowa on the eastern, Apache to the south and west. Now came another menace: the Confederate invasion under General Sibley swept north through the Rio Grande valley, captured Albuquerque and Santa Fé,

and drove on toward Fort Union, nerve center of Federal military strength for the whole Southwest. The hour was at its darkest, the proverbial hour "just before the dawn." The lowering skies cleared when the Confederates were routed at Apache Cañon; but day really broke for troubled New Mexico when Brigadier General James H. Carleton was appointed department commander. His first report to the War Department shows him a man of action:

Headquarters Department of New Mexico,
Santa Fe, N. M., September 30, 1862.

GENERAL: I have the honor to inform you that I relieved General Canby in command of this department on the 18th instant, and he left this city for Washington, D. C., four days afterwards. I find that during the raid which was made into this Territory by some armed men from Texas, under Brigadier General Sibley, of the army of the so-called Confederate States, the Indians, aware that the attention of our troops could not, for the time, be turned toward them, commenced robbing the inhabitants of their stock, and killed, in various places, a great number of people; the Navajoes on the western side, and the Mescalero Apaches on the eastern side of the settlements, both committing these outrages at the same time, and during the last year that has passed have left the people greatly impoverished. Many farms and settlements near Fort Stanton have been entirely abandoned.

To punish and control the Mescaleros, I have ordered Fort Stanton to be reoccupied. That post is in the heart of their country, and hitherto when troops occupied it those Indians were at peace. I have sent Colonel Christopher Carson [Kit Carson] with five companies of his regiment of New Mexican volunteers, to Fort Stanton. One of these companies, on foot, will hold the post and guard the stores, while four companies mounted, under Carson, will operate against the Indians until they have been punished for their recent aggressions. The lieutenant colonel, with four companies of the same regiment, will move into the Navajo country and establish and garrison a post on the Gallo, which was selected by General Canby; it is called Fort Wingate. I shall endeavor to have this force, assisted by some militia which have been called out by the governor of the

Territory, perform such service among the Navajoes as will bring them to feel that they have been doing wrong.

I am, general, very respectfully, your obedient servant,

JAMES H. CARLETON,

*Brigadier General, Commanding.*

Brigadier General Lorenzo Thomas,
Adjutant General, U. S. A., Washington, D. C.

Carleton's method of bringing the marauding Indians to feel that they had been "doing wrong" is stated with his characteristic simple vigor in his instructions to his right-hand man, Kit Carson, dated at Santa Fé, October 12, 1862:

All Indian men of that tribe [Mescalero] are to be killed wherever and whenever you can find them. The women and children will not be harmed, but you will take them prisoners, and feed them at Fort Stanton until you receive other instructions about them. If the Indians send in a flag and desire to treat for peace, say to the bearer that when the people of New Mexico were attacked by the Texans, the Mescaleros broke their treaty of peace, and murdered innocent people, and ran off their stock; that now our hands are untied, and you have been sent to punish them for their treachery and their crimes; that you have no power to make peace; that you are there to kill them wherever you can find them; that if they beg for peace, their chiefs and twenty of their principal men must come to Santa Fé to have a talk here; but tell them fairly and frankly that you will keep after their people and slay them until you receive orders to desist from these headquarters; that this making of treaties for them to break whenever they have an interest in breaking them will not be done any more; that that time has passed by; that we have no faith in their promises; that we believe if we kill some of their men in fair, open war, they will be apt to remember that it will be better for them to remain at peace than to be at war. I trust that this severity, in the long run, will be the most humane course that could be pursued toward these Indians.

There were rumors of another Texas raid, and it was no time for half measures. Treaties, moreover, had lost

their novelty—and the new department commander was no treaty-maker in any event. Twenty-five years of service as an army officer on the western frontiers had taught him a number of things about Indians. He knew that the Navaho in particular had been spoiled by too many treaties, too much empty talk and hollow threatening. They had a lesson coming—a lesson long delayed by the timidity or the ignorance of Carleton's predecessors in office—and he (with Kit Carson's expert help) would see that they learned it well. There was no thought of revenge, no impulse of cruelty, in either mind. These two men had the hard commonsense to draw the inevitable conclusions of their long experience with Indians. They fully understood the evil, they knew the only remedy; and with the cold precision of surgeons they went to work.

Carleton's view of the situation is well stated in his letter of September 6, 1863, to the adjutant general at Washington:

> The purpose now is never to relax the application of force with a people that can no more be trusted than you can trust the wolves that run through their mountains; to gather them together, little by little, on to a reservation, away from the haunts, and hills, and hiding places of their country; and then to be kind to them; there teach their children how to read and write; teach them the arts of peace; teach them the truths of Christianity.

And then? This frontier Indian fighter who has been accused of ruthless cruelty in the handling of his difficult problem, continues in a vein of surprising idealism:

> Soon they will acquire new habits, new ideas, new modes of life; the old Indians will die off, and carry with them all latent longings for murdering and robbing; the young ones will take their places without these longings; and thus, little by little, they will become a happy and contented people, and Navajo wars will be remembered only as something that belongs entirely to the past.

THE NAVAHO ROUND-UP

The outcome of an expedition led by a Carson and directed by a Carleton could never for a moment have been in doubt. By February 1, 1863, the general was able to report to Washington that the Mescaleros were completely subdued: "I have now three hundred and fifty of that tribe at Fort Sumner and *en route* thither. These comprise all that are left of those Indians, except a few who have either run off into Mexico or joined the Gila Apaches. I shall try to settle what have come in on a reservation near Fort Stanton, and have them plant fields for their subsistence the coming year."

The reduction of the Mescaleros was but one phase of the task Carleton had set himself and chosen the famous scout to conduct in person. The Navaho offered a harder problem, for their territory was larger and more difficult to invade, while the tribe was well provided with livestock for food, clothing, and transport, and could make a long resistance.

Elaborate preparations were made for the Navaho campaign, scheduled to begin July 1, 1863. Fort Stanton was reoccupied, Fort Craig strengthened, Fort Wingate and Fort Sumner established. Fort Wingate was garrisoned by four companies (some 300 men) of the First California Infantry Volunteers, who were to have "at least two companies in the field all the time." Carson was ordered into the Navaho country with his regiment of First New Mexico Volunteers, his total force being twenty-seven officers and 709 men, of whom 206 were unmounted according to Sabin. A new military post, Fort Canby (near present-day Ganado, Arizona) was to be his headquarters, and there large stores of military supplies were gathered.

The orders for the Navaho campaign were identical with those guiding the Mescalero operations which preluded it, except that the Navaho were given until July 20, to surrender themselves and join the captive Mescaleros at Fort Sumner. After that date all men capable of bearing arms

were to be killed, all women and children held as captives; crops were to be destroyed, livestock either taken for military use or killed. A bounty of one dollar for each sheep and twenty dollars for every sound horse and mule stimulated Carson's volunteers to look sharp and sweep clean. Garrison commanders throughout the department of New Mexico were ordered to scour their respective territories for Navaho and Apache bands, for it was soon seen that the round-up was scattering the Indians far and wide. The commander at Fort Wingate was instructed to destroy all crops within a radius of seventy miles of his post. And so throughout the summer and fall of 1863 the whole military resources of New Mexico were bent to the task of making either a corpse or a prisoner of every Navaho then living. The Utes joined the hunt for their own personal reasons and profit; and so many citizens of New Mexico went Navaho-hunting that the governor had to call them off by proclamation in May, 1864.

Carson marched his command directly to the Pueblo Colorado, where Carleton had ordered him to establish Fort Canby. The post established, he left it with a garrison force and himself took the field. His reports tell of a series of "scouts" throughout the late summer and fall of 1863. Wherever Navaho might be, there rode Carson and his men, covering the whole broad sweep of desert country lying between the Little Colorado and Cañon de Chelly. Zuñi and the Hopi villages lay within the area and Carson visited them both. Each had been suspected of aiding the Navaho, so the colonel deliberately made them take the role of enemies of that tribe by sending out warriors with his scouting parties. He gave them fair warning that aid to the foe would bring destruction of their villages; this Carleton had solemnly promised the Zuñi, "as sure as the sun shines." The Ute had declared themselves long since, and were happily applying the Carleton policy to their traditional enemies. A very good policy they found it, except that Carson (on orders from Carleton, and against his own judgment)

would not let them keep captives they took, for use as slaves or for sale to the Mexicans. They might keep livestock, however, and Carson noticed that their interest in the campaign languished when they had accumulated all the animals they could well manage. Like the Navaho, they were accustomed to fight only for plunder; but they made efficient scouts and spies, and Carson complimented them highly in his returns from the field.

Chasing small parties of fugitives, capturing livestock, destroying crops, Carson rode up and down the western frontier of the Navaho. He fought no pitched battles, stormed no fortresses, and the work seemed a costly effort from which little good was coming. Carleton encouraged him: "As winter approaches you will have better luck." He could be patient as well as fiery; and small bands of Navaho were already coming in voluntarily, destitute and half-starved.

Winter came, with heavy falls of snow to drive the fugitives down from their mountain retreats, and the general back in Santa Fé urged a move long planned—the invasion of Cañon de Chelly, where the Navaho had always felt themselves secure. So on January 6, 1864, Carson with fourteen officers and 375 men moved upon this tremendous fissure of red sandstone, into which previous expeditions against the Navaho had glanced timorously and then retreated in haste, lest its sheer walls prove a death trap. He did not enter it at once (Carson had learned years ago that he who takes fewest chances lives longest, in frontier warfare) but divided his forces into two parties and sent one along each rim of the chasm to reconnoiter the depths below. The plan was to join a third detachment, Company H of the First Cavalry, New Mexico Volunteers, under Capt. Albert H. Pfeiffer, which had been sent direct from Canby to reconnoiter the eastern opening of the eastern branch (now called Cañon del Muerto) of the cañon. The parties on either rim advanced to within sight of the eastern mouth, but no sign of Pfeiffer's party was seen. Puzzled, Carson turned back

to his camp, and there was the missing contingent! They had traversed Cañon del Muerto from east to west, a distance of some thirty miles, with Indians harrying them constantly from above, and ice on the stream in the Cañon bottom making progress painfully slow. Not a man was lost, however, for the very height of the cañon walls—more than a thousand feet for much of the distance—kept the enemy from doing any severe damage. It was a bold move, nevertheless, for the Navaho might have hemmed them in or laid a successful ambush in the little-known depths of the great chasm. Pfeiffer knew neither their strength nor the character of their stronghold when he plunged into it and staked all on his ability to win through.

Company H had found few Indians on its march—but might there not be more fugitives in the south branch? Captain Asa B. Carey took the company and marched through Canñon de Chelly from the west, while Carson and the command waited shivering in the base camp. Carey had less trouble and better fortune than Pfeiffer, for a large group of Navaho surrendered to him without a struggle, and "that night I counted 150 full-grown Indians in my camp, besides many children," he says in his report.

The cañon invasion determined the success of the round-up. Even the *ricos*, the wealthy stock owners of the tribe who thought they could retire with their herds to the lofty Chusca Mountains and escape American capture, saw that their enemy would go anywhere to get them, while the humbler tribesmen beheld their last refuge taken away. To all the dread truth came plainly home, that nowhere on earth could they hide themselves away from Kit Carson's men. "We have shown the Indians that in no place, however formidable or inaccessible in their opinion, are they safe from the pursuit of the troops of this command; and have convinced a large portion of them that the struggle on their part is a hopeless one," Carson wrote to his commander on January 23, 1864. Death, capture, starvation, surrender: those were the alternatives. Most of the tribe

chose surrender, and all through the spring of 1864 Forts Canby, Defiance and Wingate, did a thriving business in Navaho prisoners en route, via Los Pinos on the Rio Grande, for the new home of the tribe at the Bosque Redondo, near Fort Sumner on the Pecos. A count made the next year showed a total of 8,491 Navaho assembled there in the distant Mescalero country.

Fort Canby was abandoned in August of 1864. The troops were sent into Arizona on an Apache campaign, Carson going to the Bosque Redondo for a time, later on a successful expedition against the allied Comanche and Kiowa on the western plains. Pressure on the Navaho was continued relentlessly, however, and in March of 1865 Carleton was informed by a "chief" who had been sent back from the Bosque to persuade others to surrender that only six small bands were left. Largest of these was that of Manuelito, sometimes called the "last great chief of the Navahos," comprising about one hundred persons in very poor shape. But these few die-hards caused little trouble; the Navaho as a free people had ceased to exist.

Carleton and Carson had performed a highly successful operation, removing the offending organ bodily and with scant loss of blood, for the casualties on either side were not high. But would the patient recover and return to normal health? That problem, unhappily, could not be solved by their special type of skill. In truth, their work was done. Carleton had charge of the Navaho throughout their captivity, it is true, but his military mind like his military machine proved utterly unadapted to the problem that now arose: a problem in psychology, in sociology, in economics, in government. It was doomed to failure; not only for being imperfectly understood and grossly mishandled, but for resting on the old false premise that the red man can be made like the white man. So the great human drama of Bosque Redondo moves into its second act, of which the scene is laid in a vast, barren valley which ten thousand unskilled and unwilling hands are expected, somehow, to transform into a farm.

### Bosque Redondo

The Bosque Redondo—part of a reservation forty miles square, with Fort Sumner in its center—proved no Promised Land, and the "children" who were forcibly led forth from their wilderness to people it clamored unceasingly to be led back again. In its new home the transplanted tribe found itself sharing the bottom-lands of a broad bend in the Pecos river with some four hundred Mescalero Apache who were there first and considered the place rightfully their own. It was Carleton's plan to develop farming in the irrigable portions (estimated at six thousant acres) of the locality and make both tribes self-supporting, contented and peaceful tillers of the soil. The Navaho were accordingly set to work at digging ditches and breaking ground for planting. The work did not please the formerly free-roving Indian; neither did its monotonous, unmilitary character appeal to the soldier in charge of this curiously socialistic experiment in civilization by fiat of military government. It required no Delphian oracle to foretell that matters would not run smoothly in the new colony, but only a daring imagination could have conjured up all the miseries and disappointments that actually came to pass.

Man and nature seemed in league from the outset to defeat Carleton's solution of the Navaho problem. Man's part was a feud of increasing bitterness between the civil and military authorities of the federal government—between Matthew Steck, superintendent of Indian affairs in New Mexico under the department of the interior, and General Carleton, military commander of the territory. Carleton, having by military tactics provided the hungry mouths to feed, expected Steck to help with the feeding. The military were fighters, not Indian guardians, was his attitude: he had carried his campaign to a successful end and spoiled the Navaho for war; now let the Indian service foster their career in the arts of peace. Steck, however, saw matters differently. He had never favored the removal of the Navaho from their homeland (although he did believe in

the reservation-and-concentration policy) and he had no appropriation, no provision of any sort, for assuming the sudden burden of eight thousand helpless, starving souls. Carleton had started this mess, let him clean it up. Steck, in short, sulked; and sulking, he campaigned so actively against the Bosque plan that a controversy arose involving the whole territory of New Mexico and the honor and glory of the departments of war and interior at Washington, until finally a special committee from congress journeyed to the scene of dispute and took reams of testimony on whether the Indian service should be under one or the other department, whether Indian tribes should be packed about the country like traveling minstrels or settled on reservations in their own territory. All of which helped mightily to feed and clothe the destitute Navaho.

Carleton made heroic efforts to meet the situation and his disgruntled soldiers worked like Trojans. Thirty miles of irrigation ditch was dug, two thousand acres of land ploughed and planted to wheat, corn, beans, by the season of 1865. But there can be no harvest with nature unfriendly: every crop planted in the years 1864 to 1867 was a failure. Sometimes it was insects, again drought; or again, a flood in the Pecos, or lashing winds or unseasonable cold. The land seemed cursed and all went wrong. The water (slightly alkaline, even the most ardent pro-Bosqueists admitted) sickened men, killed livestock (the Indian said), and poison weeds killed more. Starvation and want were never beyond sight, with rations habitually short and unpalatable; for the Navaho found it hard to accustom themselves to wheat flour, the staple of diet. Wood was difficult to find (fancy a Navaho grubbing up mesquite roots!), and the captives shivered through bleak winters in flimsy shelters of brush and canvas, while the Comanche and Kiowa raided their dwindling flocks and herds.

Mescalero and Navaho never realized Carleton's fond prophecy that the two, being racial cousins, would merge into one people. They fought and bickered continually, and

when the entire Mescalero contingent of nearly four hundred souls silently left the reservation one night in November, 1865, the Navaho were too hopeless to rejoice. They got the Mescalero lands—but to what good, if nothing came to harvest? In the spring of 1868, utterly discouraged and demoralized, the Navaho planted almost nothing, determined at last to meet fate unresisting, (although their agent suspected they were preparing a secret desertion). At last, it was clear that the Bosque Redondo experiment had failed: the Navaho would not become farmers and the government would not maintain them in idleness.

The government gave in. Lieutenant General W. T. Sherman and Colonel S. F. Tappan came out from Washington in May, 1868, as peace commissioners to negotiate with the Navaho for their removal to a reservation in the old tribal territory. Both parties were in a tractable mood after so much suffering on the one side and so much costly experimentation on the other, as General Sherman indicated in the following letter to Senator John Sherman, his brother:

Fort Union, New Mexico, June 11, 1868.

Dear Brother: I have now been in New Mexico three weeks along with Colonel Tappan, peace commissioner, for the purpose of seeing the Navahos, and making some permanent disposition of them . . .

We found 7,200 Indians there, seemingly abject and disheartened. They have been there four years. The first year they were maintained by the army at the cost of about $700,000, and made a small crop. The second year the cost was about $500,000, and the crop was small. Last year the crop was an utter failure, though all the officers say they labored hard and faithfully. This year they would not work because they said it was useless. The cost has been diminished to about 12 cents per head a day, which for 7,000 Indians makes over $300,000, and this is as low as possible, being only a pound of corn, and a pound of beef with a little salt per day.

Now this was the state of facts, and we could see no time in the future when this could be amended. The scarcity

of wood, the foul character of water, which is salty and full of alkali, and their utter despair, made it certain that we would have to move them or they would scatter and be a perfect nuisance. So of course we concluded to move them. After debating all the country at our option, we have chosen a small part of their old country, which is as far out of the way of the whites and of our future probable wants as possible, and have agreed to move them there forthwith, and have made a treaty which will save the heavy cost of maintenance and give as much probability of their resuming their habits of industry as the case admits of . . .

So on June 1, 1868, another Navaho treaty took its place in the long series. This one, however, thanks to the severity of Carleton and Carson, was to be more than a scrap of paper. It was drawn to encourage farming (for the men must be kept busy somehow), with free implements and seeds, a tract of land (not over 160 acres) to each head of a family wanting it, and a small clothing allowance yearly for ten years. It provided for schools as needed, one for every thirty prospective pupils. Fifteen thousand sheep and goats were to be bought for the tribe; and they were urgently needed, for the Navaho agent in 1868 estimated that the exiles upon returning to their old home had only 1,550 horses, 940 sheep, and 1,025 goats: less than half an animal for every person, if we take the agent's estimate of the population at 8,000 souls.

The conquered Navaho set forth from the Bosque on June 18, 1868, and on November 1 of that year Agent Dodd at New Fort Wingate formally assumed charge of "7,111 Navajo Indians, viz.: 2,157 under 12 years of age, 2,696 women, 2,060 men, and 201 age and sex unknown." The Navaho were home again, a sadder and a wiser tribe.

### After-Effects

The effects of this violent and complete disruption of Navaho life are beyond calculation. As long as a Navaho remains upon the earth the epilogue of Bosque Redondo will be still in the playing, for this episode of five years duration

turned the stream of tribal history into a new channel for all time to come.

Bosque Redondo was a military conquest, and very much more: it was the utter subjugation of as free a people as could be found anywhere within or upon the horizons of civilization. No mere change of political sovereignty was at stake as in the wars between western nations, no transfer of nominal allegiance from one state to another, with only a brief disruption of the accustomed routine of living. Bosque Redondo was a moral holocaust, as devastating to Navaho civilization as were the barbarian invasions of the Dark Ages to ours. It destroyed their material prosperity, —but that was soon recovered. It abolished their freedom, —but even that was of less consequence than its greatest result, which was a silent inner transformation: the destruction of this remarkable people's morale, of its audacious, unbounded confidence in itself. The transformation is epitomized in the spectacle of a nation of barbarian nomads accustomed to ride far and free, fearing nothing on earth and hearkening to no lesser voices than those of the tribal gods, meekly shouldering the hoe at the beck of an alien master. To most Indian tribes civilization has come in assimilable draft. To the Navaho it came as a rushing flood, tumbling their whole world topsy-turvy. From a freedom almost idyllic they were plunged into a perpetual semi-servitude, in just five years.

But we must not over-sentimentalize the effects of Bosque Redondo, for two strongly corrective facts are beyond question established. The first is that the Navaho merited heavy punishment for their cynical disregard of the lives and property of their neighbors, Pueblo and Spanish; and five years of bitter exile is not an inhuman retribution for two centuries of rapine and murder. The second is that the Navaho deliberately threw themselves in the pathway of a relentless force, the westward march of European civilization, and came off very well in the end. No longer free, they are a nation still: larger, wealthier, more secure, than

ever before. They have weathered a crisis that proved fatal to many a tribe—that of final adjustment to the conquering American. If that inevitable clash was a brutal shock, Navaho arrogance must be held equally responsible with American rigor. Both parties may with reason deplore the event and rejoice at the outcome; for here, as so often elsewhere, history is justifying at its leisure an act of seemingly intemperate haste and severity.

NOTE ON BIBLIOGRAPHY.—H. H. Bancroft; *Arizona and New Mexico,* L. Bradford Prince: *Historical Sketches of New Mexico,* and R. E. Twitchell: *Leading Facts of New Mexican History* and *Military Occupation of New Mexico,* were principally used for the Indian troubles of the first half of the 19th century.

For the campaign of conquest and conditions at the Bosque Redondo, the following official sources afforded most of the information: *Annual Reports of the Commissioner of Indian Affairs,* 1863-69; *Report of the Joint Special Committee on the Condition of the Indian Tribes,* 1867; and the field reports of Carson, Carey and Pfeiffer, as published in Edwin L. Sabin: *Kit Carson Days.*

Carleton's correspondence, of which excerpts are quoted, is published in the Joint Special Committee Report. The Sherman quotation is from Rachel Sherman Thorndike (editor): *The Sherman Letters.*

Good popular accounts of this episode in Navaho history are available in Sabin, above cited, and J. P. Dunn, Jr.: *Massacres of the Mountains.*

Southwest Museum,
Los Angeles, California.

## EDITORIAL

THE SILVA NIETO INSPECTION.—An English visitor recently showed up at El Morro National Monument who has suggested a revised reading of the inscription of Governor Don Francisco Manuel de Silva Nieto (1629-1632).

Under date of November 28, the custodian, Mr. Evon Z. Vogt, wrote to the editor that Mr. A. W. Barth (M.A., London) had arrived there *afoot* on October 6. "He had hiked and caught rides all the way from San Diego in order to satisfy a long, long desire to visit El Morro. Apparently he has read and studied nearly everything ever written about the *escrituras* and the history of the old conquistadores."

Mr. Barth had already written to the officers of the Historical Society, and there has been further correspondence since. The inscription is partly obliterated, so that there has been some doubt as to the correct reading at three places. Mr. Barth's contribution concerns the last line especially.

The Spanish text reads as follows:

> Aquí [llegó el señor y gobe] rnador
> Don Francisco Manuel de Silva Nieto
> Que lo imposible tiene ya sujeto
> Su brazo indubitable y su valor
> Con los carros del Rey nuestro señor
> Cosa que solo el puso en este efecto
> De Agosto [de Mil] seiscientos Veinte y Nueve
> Que sbyen a Çuni pase y la Fe lleve

The two passages in brackets are conjectural; the latter may be a numeral for *cinco* or possibly *nueve.* Mr. Barth believes that the inscription was meant to be read in pentameter verse. It would seem to be somewhat difficult to handle some of the accents in such a reading, but it is one of the

arguments advanced by Mr. Barth to show that the two verbs of the last line must be in the third person, subjunctive, rather than in the first person, past tense, as the reading has been hitherto.[1]

In this same line, in the curious "sbyen" the letter *b* has a crossline through the lower part which cannot be reproduced without a special type. In other words, it is a double letter from which Mr. Barth gets "se bien", and his reading of the last line is: "That he (Silva Nieto) may well pass to Zuñi and carry the Faith."

The editor is in accord with Mr. Barth in his revised reading except as to one point. We believe that the subject is impersonal: "That one (anyone)" may now go to Zuñi and carry the faith. None of the "royal carts" had ever before gone westward from the Rio Grande with supplies for the missionaries; never before had missions been established at Acoma or at Zuñi or in the Hopi country. This has now been accomplished and Governor Silva Nieto is on his way back to Santa Fé with the father custodian, Fray Estévan de Perea, when this record is inscribed upon El Morro. The governor's part is done; he has opened the way for permanent missionary work in the Zuñi and Hopi pueblos.

Father Perea wrote two short reports, *relaciones,* of this event which were published later in Spain. These were to have been included in the present issue of the HISTORICAL REVIEW but they must be held over to a later number. They may well accompany a fuller study of Fray Estévan de Perea who was certainly one of the most remarkable characters in New Mexico history. L. B. B.

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1. Twitchell, *Leading Facts of New Mexican History,* I, 338, note, gives a partial translation of this inscription, and also of another of which he gives (at p. 288) a full page reproduction. He attributes this second also to Governor Silva Nieto, but the date is clearly "1620", not "1629", and therefore must belong to Governor Juan de Eulate. Bancroft, *History of Arizona and New Mexico,* 159, follows Simpson in reading the "1620" correctly, but Coan, *History of New Mexico,* I, 190, follows Twitchell in the misreading of the date, with the result that he has Silva Nieto *returning from* Zuñi in July and *going to* Zuñi in August.

The awkward, and improbable, change from third person to first person in the verbs of the Nieto inscription (according to the translation hitherto accepted) is eliminated by Mr. Barth's reading.

## BOOK REVIEWS

*A History of Ancient Mexico,* Vol. I, by Fray Bernardino de Sahagún. Translated by Fanny R. Bandelier from the Spanish version of Carlos María de Bustamante. viii and 315 pp.; portrait. Fiske University Social Science Series, Fiske University Press, Nashville, Tennessee, 1932.

Mrs. Bandelier has begun a most meritorious task in translating into English the first four books of Sahagún's *History of Ancient Mexico.* Fiske University, moreover, deserves the greatest praise for assuming the patronage of her useful undertaking. It is of paramount importance that the succeeding volumes containing the remaining eight books of Sahagún's history also appear.

Fray Bernardino Sahagún (1499-1590) came to Mexico about 1529. Taking great interest in the religion and customs of the recently conquered Aztecs, he set to work systematically to amass all information relating to them. His procedure was to interrogate the learned Indians of one community (Teopopulco near Calhuacan) and then to check these statements against those of other well informed Aztecs from two other towns (Tlaltelolco and Mexico). This research took place between 1547-1577, so that the learned friar had plenty of time to amass and digest a considerable body of first-hand information. The scientific spirit shown by him in comparing and criticizing his sources is almost unique in the literature of the Conquest.

Although several manuscript copies of the History were in existence and were frequently used by historians of a later period, this magnificent study did not find its way into print until 1830 when the Mexican edition of Bustamante appeared, followed shortly by another edition in Kingsborough's *Antiquities of Mexico.* In 1880 an edition in French was published, translated by D. Jourdanet. But none of these editions, because of language, rarity, and price, is readily accessible to the American student.

Mrs. Bandelier in making her translation, and Fiske University in bringing it out, have done a great service to all students of anthropology. The translation is clear and careful, the type and size of the volume are convenient, the index is complete, and the price is low. The content produces the largest and most critical body of data on the customs and religious beliefs of the Aztecs in any single first-hand source. To have this information, unblurred by the commentaries of abstractors, will aid ethnologists and historians alike. The translation will be extremely useful in deciphering the *Codex Florentino,* a picture manuscript edited by Sahagún and published in 1906 by the Mexican Government. The sole defect is that all the books of Sahagún were not published at once, but after such a solid and propitious beginning, let us hope that the full series eventually will appear. Hearty congratulations are in order for both the translator and the publishers of this major source book for Aztec ethnology.

GEORGE C. VAILLANT.
American Museum of Natural History,
New York City.

*Pedro de Alvarado, Conquistador.* By John Eoghan Kelly. (Princeton University Press, 1932. viii-279 pp., with maps and plates. $3.50.)

To the superficial reader the picture of Alvarado and his achievements will be a marvelous tale, which under the skillful handling of the author is glamorous and fascinating. To the thoughtful reader the book will be provocative in many ways.

From first to last, the author seems to advocate the principle that "might makes right." Frequently he reveals an animus of intolerance towards those who view the historical records differently. To him Las Casas was "a prototype of certain modern Dissenter clerics," "hysterical, untruthful, intolerant", and the circumstantial charges made by this Dominican friar against the conquerors were based

on "alleged outrages" (pp. 204-205). In fact anyone who pictures the facts at variance from Mr. Kelly is liable to the epithet "sentimentalist" (p. 118). The historian H. H. Bancroft is "pro-Aztec", "bigoted", a "partisan of Moctezuma" (91-92). When he uses the phrases "inhuman cruelty practised in the name of religion" and "bloodthirsty traits", he is speaking of the Aztecs—not of the Spaniards. Yet in many a well-substantiated instance such terms fitted the conquerors equally as well,—and near the top of the list would stand Pedro de Alvarado. They were ruthless invaders of every right, individual and ethnic, of the conquered peoples. When the latter fought back (and they did resist desperately at times), they were seized as slaves and branded like cattle. Who today, looking back upon both sides of the picture, will argue that the conquistadores manifested a very high grade of humanity, or of Christianity? They and their religion were the product of their past and of the times in which they lived; and the same was true of the native peoples in America. Any acceptable history of the conquest must show impartially what happened; a biography, as in this case, is usually *ex parte* in presenting the facts.

Mr. Kelly has made a thorough study of his subject and, despite the fact that he is such an advocate of his hero, he has made a valuable addition to the literature on Spanish American history. He is a decade off as to the marriage of Isabella (p. 3), and necessary accents are frequently omitted. The presswork and illustrations are excellent. L. B. B.

*Flaming Arrow's People.* By James Paytiamo (an Acoma Indian). (Duffield and Green, 1932. 158 pp.; illustrated in colors by the author. $2.50.)

The authorship of *Flaming Arrow's People* is credited to James Paytiamo, as are also the illustrations. The latter are of mask dancers, and shards of pottery on which are Acoma designs of both ancient and modern times. In fact, the book is a mixture of both ancient and modern. One

wishes that the author had adhered to but one, and that a reader might have had a more unified concept of the Acoma Indian of one time or the other. In the main, the book is an authentic work on customs, superstitions, habits, and ceremonies of Acoma Indians of yesterday—and today. Those who are acquainted with the Indians of today and with their history long past are able to separate details and clarify the material used in the book. The Acoma words which are used are well used, authentic, and are so well indicated by syllables and spelling that the reader has little difficulty in pronouncing or studying them.

The author missed an opportunity of giving the reader a very exciting chapter on the Spanish siege of Acoma. He barely alludes to this historically important event when he mentions the young men of the village slipping out and returning with water-weeds which they throw down upon the Spaniards the next morning.

Bread making and baking, making paper bread, drying squash, melons, and other foods are recited very truly, and in detail that makes the book a very interesting and useful one for accurate information on these topics. The making and use of prayer sticks are very interestingly told, as is the hunting ceremony. The author says, however: "each one goes off by himself to pray to strange gods. We pray to mountain lions, eagles, hawks, wolves, and other wild beasts." The gods of the Indian are not "strange" in any sense of the word from his standpoint. His gods are more real, more near, and more common to him than the God of his white brother is to the white man.

Such discrepancies as the above show that the author was not given a free hand at his manuscript, but that some editor retold the story in too many instances, doing away with much of the Indian flavor and often obscuring the meaning or giving a wrong impression of the Indian. Mr. Paytiamo would never have said, on a visit to Zuñi, that the attire of the men "made them look like a prehistoric Captain Kidd and his pirate crew." Nor would he say: "Now

bees' nests out here in New Mexico are very hard to find," any more than he would say: "then I pray to strange gods."

A beautiful passage in the book closes Chapter X. One feels that it is too bad that this is not the final chapter on this account, and he reads on through six more chapters feeling that he has said goodby to the Pueblo boy who is telling the story and has again entered the realm of the white man.

The book is a real contribution in that its material in most instances is authentic. Subsequent editions, carefully revised, would be an educational asset to schools. The dedication notice should correct the name of Superintendent "H. B. Peairs" of Haskell Institute.

ISIS L. HARRINGTON.

U. S. Indian School,
Albuquerque.

*Indian Excerpts from the Memorias for the History of the Province of Texas by Father Morfi.* By Frederick C. Chabot, translator and editor. (Privately printed. The Naylor Printing Company, San Antonio, Texas, 1932. pp. xxii, 85. Illustrations.)

Perhaps the best single source of information concerning the Texas Indians is Father Juan Agustín Morfi's *Memorias.* The illustrious Franciscan, professor of theology at the College of Santiago Tlalteloco, accompanied Don Teodoro de Croix, commandant general of the *Provincias Internas,* on his tour of inspection into Texas in 1778. It was this visit to Texas which stimulated the Father's interest in the history and the natives of that region. His *Memorias,* written by 1783, and for long regarded as the standard authority for Texas history, although unpublished to the present day, was not intended as a finished historical narrative, but rather as a detailed assemblage of facts from which a concise historical sketch was to be drawn. That this history was ever written only recently became known when Dr. Carlos E. Castañeda, librarian of the Latin-Amer-

ican Collection in the University of Texas library, discovered Morfi's *Historia de la Provincia de Texas, 1673-1779* in the old Convento Grande de San Francisco in Mexico City. The *Historia* does not supplant the *Memoria* as a veritable mine of information on aboriginal culture in Texas.

Mr. Chabot, who has made many contributions to the early history of San Antonio, presents in translation those parts of the *Memorias* "which particularly concern the various Indians of the Province of Texas; their tribal divisions, characteristics, customs, traditions, superstitions, and all else of interest concerning them." The annotations to the excerpts are adequate, and reveal the scholarly care with which the editor studied his documents. The thoroughness of this study is further revealed in a well prepared and quite extensive bibliography. In an introduction, called a "Prolog", Mr. Chabot briefly recounts how the fund of information concerning the Tejas Indians was gradually expanded until Father Morfi made his greatest contribution. The translation of the excerpts, supplemented by Mr. Chabot's notes and introduction, make this work an invaluable handbook on the Texas Indians.

The format of the volume is to say the least, *de luxe.* The binding is leather, with a flap and leather thongs for tying in the manner of old Spanish books. The same idea is carried out with double columns, marginal notes, and beautiful capital letters. The book is illustrated with several old prints and maps.

J. LLOYD MECHAM.

The University of Texas,
Austin.

*Pioneer Days in Arizona.* By Frank C. Lockwood. (The Macmillan Company, New York, 1932, 387 pp. Illustrated. $4.00.)

Rather loosely joined and sketchy and yet most interesting and informative, *Pioneer Days in Arizona,* by Dr. Francis Cumming Lockwood of the University of Arizona,

adds little to what is known of Southwestern history but does furnish an attractively printed and readable compilation of widely scattered facts which reflect the modes of life from the Spanish Occupation to Statehood in the wide domain now known as Arizona. Dr. Lockwood relies for his data in the Introduction which he headlines "Catching Archaeology Alive" (using the oft quoted Lummis phrase) upon the discoveries of Hewett, Cummings, Judd, Harrington, Fewkes, Kidder, Guthe, all at one time or other connected more or less with the School of American Research at Santa Fé, as well as others who have of late years added mightily to the story of prehistoric life in the Southwest; putting especial stress upon the dating of Arizona Pueblo ruins by the astronomer Dr. Douglass, with his epochmaking tree-ring chronology.

The author inaugurates his story of the pioneers with a vivid sketch of Estévan, to whom he refers as "A gigantic Arabian black man" (although by what authority is not clear) "the first man to come into view * * not a white soldier or priest" "as the curtain rises to introduce the European actors in the Arizona drama." Adopting the opinions of Bandelier, Hodge, and other historians, he presents Fray Marcos de Niza as "an honest, brave, but zealous priest" saying that "surely the monk quite as much as the devil deserves his due." Discussing the route taken by Coronado he leans to the theory that Coronado came marching down the Santa Cruz past the present site of Tucson, a theory that has but a slim basis of fact. Anyway, the author feels "that every certified hoof-beat of a Spanish charger made in what is now an Arizona town, is worth much gold and many silver dollars to the present inhabitants of such a town." It is in this free and easy manner with picturesque and romantic side-remarks that Dr. Lockwood introduces the many characters who tramp, trot, and gallop across his pages. It is a motley array of savages, priests, missionaries, soldiers, trappers, prospectors, outlaws, politicians, and merchants who pass review, not so much in detail as with meteoric

flashes of apt phrase and high lights of diction. Never dull, the author who writes well, makes vivid the many thrilling episodes and events which form part of the history of Arizona. It becomes evident, however, that up to the days of the Civil War, these occurrences had their motivation outside of present Arizona borders. As part of New Mexico, with its capital of Santa Fé too remote and feeble either to protect or to develop the region beyond Zuñi, Arizona's destiny was woven by the men who came from the south, the west, and the east, so that it had but little in common with what is now its neighbor and for centuries was its ruling power, New Mexico.

The first part of the second chapter devoted to "The Mission Fathers in Arizona" belongs in reality to New Mexico annals for it is not until Father Kino established his mission stations, some years after the Indian rebellion of 1680, that Arizona history begins. The story of Kino and Garcés, a Franciscan who followed him half a century later, is fascinating. The tale of the missions ends with 1781, when "a veil of obscurity settles down over the missions of Arizona. The heroic and germinal period had come to an end."

It was not until 1824 that the trappers, as the first path finders, reached Arizona. According to Dr. Lockwood, between 1824 and 1832, there were hundreds of them who "touched upon Arizona soil, and in passing left more or less enduring records in geography, literature and patriotic achievement." Those to whom reference is made with picturesque anecdote and occasional biographical reference, include the saintly Jedediah Smith, Kit Carson, Miguel Rubidoux, Sylvester and James Pattie, Ewing Young, Peg-leg Smith, Old Bill Williams, David E. Jackson, Milton Sublette and Pauline Weaver, few of whom really belong to Arizona.

Army operations, less than ninety years ago, unlocked Arizona wilds to the rest of the United States: The Mormon Battalion under Lt. Col. P. St. George Cooke, made its slow and painful march from Santa Fé to the Gila and

thence across southern Arizona by way of Tucson to Warner's Ranch, its California goal. The wars with the Navajos, partly waged in present northeastern Arizona, and the trek of the California column, the skirmish at Picacho, are the outstanding events of the days between the war with Mexico and the separation of Arizona from New Mexico during the Civil War. The establishment of army posts, the scientific expeditions of the Fifties, and the conflicts with the Apaches close the pioneer period.

No doubt the days that have followed the Civil War, held as much of romance and daring as the earlier periods of Arizona history, but they are too near to the present to be nimbused by the glamour which time alone can give. Nevertheless, the chapters which deal with mining, schools, agriculture, newspapers, books and libraries, crimes and the courts, roads and trails, towns and cities, and finally "The Achievement of Statehood" will hold the attention of the reader and round out a kaleidoscopic design of historic and literary merit. Without pretending to be a complete history or a series of detailed biographical studies, the book is one that might well be read with profit not only by every one interested in American history but that should be supplemental reading in every Arizona school house.

Opportunity to create something original and noteworthy in typography and binding which such a volume presents, was not seized by the publishers although the book is up to the high standard of the Macmillan Company, with due regard to accepted rules as to margins, spacing, display, presswork and illustrations. Here and there, the accenting of Spanish words is neglected and there is lack of verification of historic detail and proper names, but these are minor defects easily remedied in future editions. Taken all in all, Dr. Lockwood has achieved a well worth-while task which he set himself and which will give him a place among Southwestern historians and writers. His earlier works are *Emerson as a Philosopher, Robert Browning, Freshman and his College, Public Speaking Today, The Freshman*

*Girl*, and it was not until he had reached his 64th year that he turned to historical writing in a lighter vein when he published *Arizona Characters* to be followed by a *Life of Edward Everett Ayer*.—P. A. F. W.

*Zebulon Pike's Arkansas Journal: In Search of the Southern Louisiana Purchase Boundary Line.* Edited by Stephen Harding Hart and Archer Butler Hulbert. Denver, Colorado, 1932.

*Pike's Arkansas Journal* is volume one of *"Overland to the Pacific,"* a narrative-documentary history of the great epochs of the far west, being published by the Stewart Commission of Colorado College. In addition to the journal itself, the present volume contains three papers, as follows:

1. An introduction to the series in which the general editor, Dr. Hulbert, points out some of the major geographical considerations which affected overland migration. Among these are the fact that the highest of the Rocky Mountains and the Continental Divide rarely coincide; the fact that the greater streams—the Missouri and the Arkansas, followed by the first explorers—did not afford the most feasible routes across the Rockies; and the fact that, while the great mass of the Rockies blocked migration, "they had the salutary influence of diverting the flow of population around the arid Utah-Nevada-Arizona basin which lay directly west of them." Dr. Hulbert then describes the way in which the actual paths of the Oregon and California trails became known through a study of the township plats in the General Land Office, and the origin of the series from the complaints of a group of students of the inaccessibility of the sources of western history. In *Overland to the Pacific* the editor proposes to include the best representative material for the major epochs of far western history: "the occupation of Oregon, the Mormon hegira, the 'Conquest' of the Southwest and California, the gold rush to California, the road-and-railway survey era of the fifties, the Civil War experiences of those new western states or territories, min-

ing in the west outside of California, the building of the Pacific railways, Indian wars of the sixties and the beginning of the invasion of the West by cattle king and pioneer agriculturist." (p. xxv.) Dr. Hulbert then describes "the state of the American mind relative to the Far West in the first ten years" of the nineteenth century, concluding that, at the time of the publication of Pike's *An Account of Expeditions in 1810,* the reading public was much in the dark concerning the Trans-Mississippi West.

2. A sketch by Stephen H. Hart of the life of Pike from his birth in New Jersey in 1779 to his death as a brigadier-general during the War of 1812. This is followed by a detailed account of Pike's papers and of the various editions of his works. Mr. Hart then describes the discovery in Mexico by Dr. Herbert E. Bolton of the manuscripts taken from Pike by the Spaniards in 1807 and their return by the Mexican Republic to our government.

3. What may prove a definite contribution by Dr. Hulbert to the much discussed question of the purpose of Pike's expedition. Dr. Hulbert defends Pike by a bold attack on "low grade literary fortune hunters" and others who have accused this ambitious young lieutenant of acting as a spy upon Spanish territory in connection with the Burr-Wilkinson conspiracy. Contrary to the custom of those who have read their own suspicions into the records, Dr. Hulbert allows Pike to speak for himself and builds up strong cumulative evidence that the expedition of 1806 was merely an ordinary routine investigation of the Spanish-American boundary. Highly indignant at the treatment given Pike by previous writers, the editor is rather bellicose in tone, and handy with his epithets. However, he is not without justification. One is impressed by his fairness in interpretating the evidence, and overwhelmed by the cumulative weight of his arguments.

*Pike's Journal* comprises about two thirds of the volume. In it we have day-by-day entries from the time Pike and his men set out from Belle Fontaine near St. Louis until

their capture by the Spaniards on the upper Rio Grande. The Journal and Pike's maps—recently recovered from Mexico—correct some errors in Capt. Coues' *The Expeditions of Zebulon M. Pike,* and give strong support to Dr. Hulbert's conclusions regarding the purpose of Pike's expedition.

The volume is a noteworthy contribution to western history. It and the volumes to follow are not intended for experts, but for the wider reading public—a fact made obvious by phrases from the jacket: "His Search for the Boundary Napoleon Forgot", referring to Pike himself; and "Stolen by the Ladies of Santa Fe!", referring to a man whom Pike could not locate in Santa Fé, but who saved Pike's journal from capture by the Spaniards.

Few errors were noted. In quoting from Bolton's Papers of Zebulon M. Pike, 1806-1807 *(American Historical Review,* vol. xiii, page 798-99) the editors have omitted the word "boundary" and changed "archive" to "Archives." William Morrison is correctly described on page 170 as a resident of Kaskaskia, Ill., while on p. xciii he is identified as a St. Louis merchant. Several errors result from the fact that the editors have followed Pike's spelling of French and Spanish proper names. Thus we have "Lelande" (pp. xciii., 170) for "Lalande," "Malgares," (pp. 59, 79, &c.) for "Melgares," "Valasco" (p. li) for "Velasco," and "Nimesio" *(ibid.)* for "Nemesio." These slight errors, however, detract little from the book, which is of the greatest value, both for what it promises and for what it performs.

MARION DARGAN.

University of New Mexico.

# Quivira Society Publications

ESTABLISHED IN 1929 by a group of scholars interested in the early Spanish history and ethnography of the Southwest, the Quivira Society published in that year its first volume which consists of Diego Pérez de Luxán's *Journal of the Expedition into New Mexico made by Antonio de Espejo, 1582-83,* translated by Drs. George P. Hammond and Agapito Rey. Published only for members of the Society, the volume passed out of print immediately after publication and is now well-nigh unobtainable.

The second volume of the Society's publications, issued in 1931, is *The Indian Uprising in Lower California, 1734-1737, as described by Father Sigismundo Taraval,* translated, with introduction and notes, by Marguerite Eyer Wilbur.

Now comes Volume III, being Sigüenza y Góngora's *Mercurio Volante,* with English translation and notes by Dr. Irving A. Leonard of the University of California. The *Mercurio Volante,* written by the most eminent Mexican scholar of his time, was published in Mexico City in 1693, the year following the reconquest of New Mexico by Diego de Vargas, to which subject the book is

entirely devoted. Like the other volumes of the series it is handsomely illustrated and is fully in keeping with the others in the excellence of its format. The original work of Sigüenza y Góngora is so excessively rare that very few copies are known to exist.

The Society now has in hand for publication, as Volume IV, a translation, by Gilberto Espinosa, Esquire, of Albuquerque, of Villagrá's *Historia de la Nueva Mexico*, published at Alcalá in 1610, and likewise very rare. Villagrá was one of the captains under Juan de Oñate, colonizer of New Mexico, hence it is not strange that his *Historia* should be the only source of information respecting certain events of the period of colonization. It is expected that this volume will be published next spring.

The Quivira Society is not in any sense a close corporation that denies membership to anyone interested in the subject of its endeavors. Further information will gladly be given by Dr. George P. Hammond, University of Southern California, Los Angeles, California.

# NEW MEXICO HISTORICAL REVIEW

VOL. VIII APRIL, 1933 No. 2

PALACE OF THE GOVERNORS

PUBLISHED QUARTERLY BY
THE HISTORICAL SOCIETY OF NEW MEXICO
AND
THE UNIVERSITY OF NEW MEXICO

# NEW MEXICO HISTORICAL REVIEW

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# The Historical Society of New Mexico

(INCORPORATED)

*Organized December 26, 1859*

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1859 — Col. John B. Grayson, U. S. A.

1861 — Maj. James L. Donaldson, U. S. A.

1863 — Hon. Kirby Benedict

*adjourned sine die, Sept. 23, 1863*

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*re-established Dec. 27, 1880*

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# CONSTITUTION

OF THE

HISTORICAL SOCIETY OF NEW MEXICO

(As amended Nov. 19, 1929)

Article 1. *Name.* This Society shall be called the Historical Society of New Mexico.

Article 2. *Objects and Operation.* The objects of the Society shall be, in general, the promotion of historical studies; and in particular, the discovery, collection, preservation, and publication of historical material, especially such as relates to New Mexico.

Article 3. *Membership.* The Society shall consist of Members, Fellows, Life Members and Honorary Life Members.

(a) *Members.* Persons recommended by the Executive Council and elected by the Society may become members.

(b) *Fellows.* Members who show, by published work, special aptitude for historical investigation may become Fellows. Immediately following the adoption of this Constitution, the Executive Council shall elect five Fellows, and the body thus created may thereafter elect additional Fellows on the nomination of the Executive Council. The number of Fellows shall never exceed twenty-five.

(c) *Life Members.* In addition to life members of the Historical Society of New Mexico at the date of the adoption hereof, such other benefactors of the Society as shall pay into its treasury at one time the sum of fifty dollars, or shall present to the Society an equivalent in books, manuscripts, portraits, or other acceptable material of an historic nature, may upon recommendation by the Executive Council and election by the Society, be classed as Life Members.

(d) *Honorary Life Members.* Persons who have rendered eminent service to New Mexico and others who have, by published work, contributed to the historical literature of New Mexico or the Southwest, may become Honorary Life Members upon being recommended by the Executive Council and elected by the Society.

Article 4. *Officers.* The elective officers of the Society shall be a president, two vice-presidents, a corresponding secretary and treasurer, and a recording secretary; and these five officers shall constitute the *Executive Council* with full administrative powers.

Officers shall qualify on January 1st following their election, and shall hold office for the term of two years and until their successors shall have been elected and qualified.

Article 5. *Elections.* At the October meeting of each odd-numbered year, a nominating committee shall be named by the president of the Society and such committee shall make its report to the Society at the November meeting. Nominations may be made from the floor and the Society shall, in open meeting, proceed to elect its officers by ballot, those nominees receiving a majority of the votes cast for the respective offices to be declared elected.

Article 6. *Dues.* Dues shall be $3.00 for each calendar year, and shall entitle members to receive bulletins as published and also the *Historical Review.*

Article 7. *Publications.* All publications of the Society and the selection and editing of matter for publication shall be under the direction and control of the Executive Council.

Article 8. *Meetings.* Monthly meetings of the Society shall be held at the rooms of the Society on the third Tuesday of each month at eight P. M. The Executive Council shall meet at any time upon call of the President or of three of its members.

Article 9. *Quorums.* Seven members of the Society and three members of the Executive Council, shall constitute quorums.

Article 10. *Amendments.* Amendments to this constitution shall become operative after being recommended by the Executive Council and approved by two-thirds of the members present and voting at any regular monthly meeting; provided, that notice of the proposed amendment shall have been given at a regular meeting of the Society, at least four weeks prior to the meeting when such proposed amendment is passed upon by the Society.

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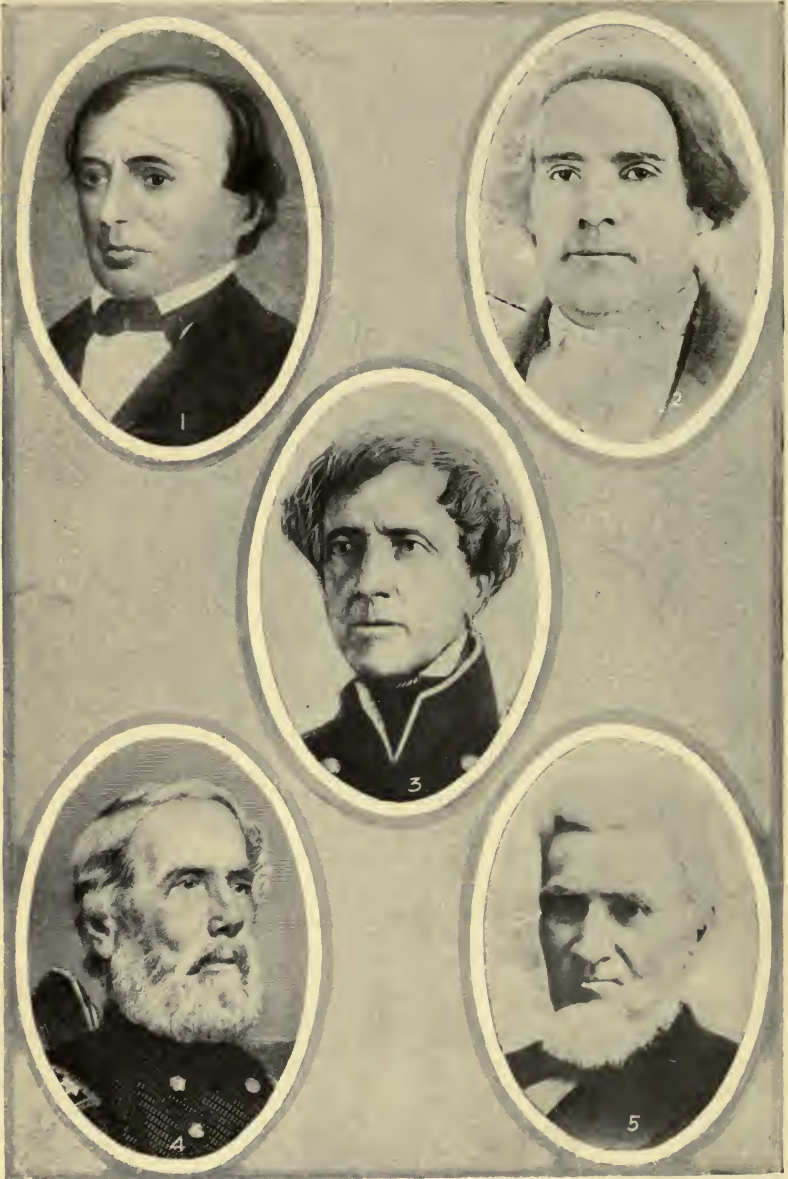
Students and friends of Southwestern History are cordially invited to become members. Applications should be addressed to the corresponding secretary, Mr. Lansing B. Bloom, Santa Fe, N. Mex.



*Twitchell, Leading Facts of New Mexican History, II*

OFFICIALS OF THE AMERICAN OCCUPATION PERIOD

1. Gov. Charles Bent. 2. Gov. Donaciano Vigil. 3. Gen. Stephen W. Kearny. 4. Gen. E. V. Sumner. 5. Gen. A. W. Doniphan.

(See page 98)

# NEW MEXICO HISTORICAL REVIEW

VOL. VIII APRIL, 1933 No. 2

## WHEN TEXAS OWNED NEW MEXICO TO THE RIO GRANDE

*By* F. S. DONNELL

TEXAS declared its independence of Mexico on March 2, 1836. On December 19th, the congress of the Republic of Texas defined the boundaries as extending south and west to the Rio Grande and northward from the source of that river to the 42nd parallel, the eastern and northern limits coinciding with the western boundary of the United States as laid down in the treaty with Spain in 1819, and reaffirmed by treaty with Mexico concluded January 12, 1828, Mexico having in the meantime gained its independence from Spain.

In 1837, George S. Park, a Texas trader who was living in Santa Fé, wrote to the president of the Republic of Texas that, if Texas would open up a trade route to Santa Fé, the people would welcome the chance to join with Texas and sever all connection with Mexico.[1] In 1839 Governor Manuel Armijo of New Mexico reported the danger that the people of New Mexico would assist in the establishment of Texas control in that department.[2]

In 1840 William G. Dryden, John Rowland, and William Workman were appointed commissioners for the Texas Republic in New Mexico and were authorized to explain to the people of Santa Fé the plans for opening a trade route

1. W. C. Binkley, "New Mexico and the Texan Santa Fé Expedition," in *Southwestern Historical quarterly,* xxvii, 88-89.

2. *Ibid.*, 91.

from Austin to Santa Fé; and in the following year the Texas Trading, Mining and Immigrating Company was organized for the purpose of establishing trading posts and carrying on trade with the Mexicans and Indians in the northwestern part of the Republic of Texas.[3]

In June of 1841 a party of about 300 left their camp near Austin and started for Santa Fé; with them were three new commissioners who had been appointed by President Lamar of Texas, Richard F. Brenham, William G. Cooke, and José Antonio Navarro, who were to join with Mr. W. G. Dryden to negotiate with the people of New Mexico. According to the story of this expedition written in 1844 by Mr. George Wilkins Kendall of the *New Orleans Picayune* who accompanied the party, its object was entirely peaceful and they did not expect any opposition either from Governor Armijo or from the people of New Mexico. They entered New Mexico at a point northeast of the present town of Tucumcari and marched in a westerly direction to the town of Anton Chico.[4]

Instead of the welcome they expected to receive they were met by Mexican troops under command of Captain Damasio Salazar and on the promise that they would be allowed to return to Texas surrendered all of their arms. This promise was not kept. They were taken prisoners, and twelve soldiers were brought forward in order to shoot them all. One of the Mexican officers, Don Gregorio Vigil,[5] protested against this and the soldiers were withdrawn; yet a few days later, two of them, Messrs. Howland and Baker, were shot. From here they were sent as prisoners to old Mexico, and it was not until June 13th, 1842, that those who were left were released and allowed to return to their homes in Texas.[6]

3. *Ibid.*, 95.

4. For a full account of this trip see Geo. W. Kendall, *Narrative of the Texan Santa Fé Expedition;* and *Thos. Falconer: Letters and Notes on the Texan Santa Fé Expedition* (F. W. Hodge, ed.)

5. Kendall, *op. cit.*, I, 286-287.

6. Except Jose Antonio Navarro who was a Spanish subject and was held longer. See *Bancroft's Works*, vol. xvii (Arizona and New Mexico), 323.

In 1843 the Texas government authorized Major Jacob Snively to lead an expedition to the northwestern part of Texas to stop the traders on the way to Santa Fé from crossing what Texas claimed as her territory. On April 25th a party of 200 men left Georgetown, Texas, and marched to a point on the Arkansas river where the Santa Fé trail crossed that river, camping about ten miles south of Dodge City. Hearing of this expedition, Governor Armijo organized a force of 500 men and left Santa Fé May 1st to protect the traders after they crossed the river. An advance force under Captain Lobato met the Texas troops and in the battle which followed a number of the Mexicans were killed and the rest captured. When Governor Armijo learned of this defeat he made haste in retreating to the protection of Santa Fé. Before the Texans had a chance to follow up this victory, Captain St. George Cooke, with a company of 196 United States troops, who had guarded a caravan from Missouri came on the camp and forced the Texans to surrender, although they were in territory claimed by Texas. Later Captain Cooke was tried by court martial for this action, and although he was acquitted, the United States paid Texas for the guns and ammunition which had been taken from the Texas party.

For a number of years after Texas had declared her independence efforts had been made to join with the United States,[7] but it was until 1845 that, by resolutions passed by congress and ratified by the legislature of Texas, this was settled, and on December 29, 1845, the Republic of Texas became the State of Texas.

In 1846 came the war between Mexico and the United States, and General Kearny in command of a force of United States troops started on his march to Santa Fé. At Las Vegas on August 15th, 1846, he issued a proclamation to the people in which he stated: "I have come amongst you by orders of my Government, to take possession of your

7. For reference to efforts made by the United States to acquire Texas between 1829 and 1835 by purchase or otherwise, see T. M. Marshall, *A history of the western boundary of the Louisiana Purchase* (California Univ. Pub. History, vol. 2), pp. 86-112.

country, and extend over it the laws of the United States. We consider it, and have done so for some time, a part of the United States. . . . We come amongst you as friends—not as enemies; as protectors—not as conquerors. We come among you for your benefit—not for your injury. Henceforth I absolve you from all allegiance to the Mexican government, and to General Armijo. He is no longer your governor; I am your governor. I shall not expect you to take up arms and follow me, to fight your own people who may oppose me; but I now tell you, that those who remain peaceably at home, attending to their crops and their herds, shall be protected by me in their property, their persons, and their religion; and not a pepper, not an onion, shall be disturbed or taken by my troops without pay, or by the consent of the owner. But listen; he who promises to be quiet, and is found in arms against me, I will hang."

On August 18th, the advance force of his army reached Santa Fé about 3 p. m. and the entire force arrived by 6 p. m. On August 22nd he issued another proclamation in which he stated that it was his intention to hold the department, with its original boundaries on both sides of the Rio Grande. Apparently General Kearny's statement in his Las Vegas proclamation, that "we consider it, and have done so for some time, a part of the United States," was based on the claim of Texas that its boundaries extended to the Rio Grande.

On January 5th, 1846, as shown in Report No. 126, 1st Session 34th Congress, the land commissioners for the republic of Texas issued the following certificate for 640 acres of land as a "head right" to one Simón Prado, to wit:

Republic of Texas
County of Bexar 640 acres. No. 169, 2d class.

This is to certify that Simon Prado has appeared before us, the board of land commissioners for the county aforesaid, and proved according to law that he arrived in this republic previous to the 1st of October, 1837; that he is a single man, and has resided in the same three years, and performed all the duties required of him as a citizen, and having never received a certificate for the quantity of land

for which he applies, is entitled to six hundred and forty acres of land.

Given under our hands at the city of San Antonio, this fifth day of January, A. D. 1846.

DAVID MORGAN,
Chief Justice and ex-officio President Board of Land Commissioners.
THOMAS WHITEHEAD,
JAS. B. LEE,
Associate Commissioners.

Attest:
THOS. H. O. S. ADDOCKS,
Clerk County Court, and ex-officio Clerk Board Land Commissioners.

In 1850 a survey was made of the tract he had selected, designated as No. 38, in section No. 15, situated on the table lands or plains between the Rio Grande and the Pecos River, which survey was recorded in Book A, No. 5, page 367, of the county records.

It was not quite as easy, in those days, to make surveys as it is now, as the field notes show that it was started at the crossing of the Rio Grande at El Paso and the line run 209 miles and 1625 vares north, thence 25 miles and 900 vares east. The tract located was one of the salt lakes in the Estancia valley known as "La Salina."

The report of the Committee on Private Land Claims on U. S. Senate Bill 240 which asked for confirmation of title to this land states:

By act of Congress of the Republic of Texas, approved December 19th, 1836, the western boundary of Texas was declared to extend to the Rio Grande. By a map prepared under the direction of the War Office, from the most reliable authorities, in 1844, the Rio Grande, also, is laid down as the western boundary of Texas. After the annexation of Texas to the United States, this government recognized the boundaries of Texas, as defined by the said act of Congress of the republic of Texas, approved December 19, 1836. So that, at the date of the certificate from the board of com-

missioners to the period beyond the time of the location and survey by the proper officer, this land, covered by the said location and survey, was within the territory belonging to Texas, and was subject to location and settlement under authority from said State.

We find, then, that a location and survey had been made upon the public lands of Texas, and that the said Simon Prado, or those claiming under him, only required the patent, to which he was legally entitled, to give a complete title to such tract of land. This patent the State of Texas would have been bound, in good faith, to have issued, and would have done so, undoubtedly, but for the short period elapsing between the survey and the passage of the act of Congress, approved September 9, 1850, by virtue of which that part of the territory of Texas, in which this tract of land was situate, was relinquished to the United States.

That this government is bound by law and good faith to confirm such inchoate titles in a territory acquired from another power, which such power under the laws, usages and customs thereof would have confirmed, had such territory continued in their possession, is a question so well settled, both by the laws of nations and the decisions of the Supreme Court of the United States (see 4 Peters, 512; 7 Peters, 87; and 10 Peters, 330), that your committee do not deem it necessary to discuss the question.

The government of the United States, by virtue of said act, approved September 9, 1850, having become possessed of the territory in which the tract of land is situate, is therefore bound to confirm the title of the petitioner, to the same extent as the State of Texas would have done, had she continued in possession thereof.

The committee have therefore directed me to report a bill confirming the title, so far as the United States is concerned, and saving the rights of any third parties, and respectfully recommend its passage.

No action was taken at this session of congress and it was not until October 1st, 1888, that an act was passed confirming the title.

On August 16th, 1847, the Texan land commissioners issued certificate Number 444 to Andrés Flores in the same form as the certificate to Prado, the survey being made in

September 1849, and filed in Book A, No. 5, page 257, of the county records at San Antonio. This tract also covered a salt lake, known as the "Salina de San Andrés," located between the Sacramento and Organ Mountains. The exact location was in what is now Township 12 South Range 6 East, about 15 miles west of the town of Three Rivers.

A bill to confirm the title was introduced in the United States Senate (number 454) and under date of February 3, 1857, the committee made a favorable report on same,[8] the wording of the report being about the same as the report on the Prado claim.

This bill met the same fate as the one to confirm the Prado claim, but the efforts to secure favorable consideration were continued and on June 6th, 1878, an act was passed ratifying the claim.[9]

The full records of these claims are on file in the office of the Surveyor General in Santa Fé, New Mexico.

In 1850, the Texas legislature authorized the division of the lands between the Pecos and the Rio Grande, together with part of its territory east of the Pecos, into four counties, and Mr. Robert S. Neighbors (who was a United States Indian agent at El Paso) was appointed commissioner with full power to extend the civil jurisdiction over these counties. One of these counties, Presidio, was entirely within the present limits of Texas; the second, El Paso County, was partly in Texas but took in a strip of New Mexico; the third ran from the northern limits of El Paso County to a line starting near the present town of Belen and running due east to the Pecos River; the fourth, Santa Fe County, took in all of the northern part of the territory claimed by Texas. This included the present Panhandle of Texas, part of Colorado, and a strip north to the 42nd parallel in what is now Wyoming. An excellent map of these counties is given in Binkley.[10]

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8. Report no. 350, 3d session, 34th congress.
9. Statutes at large, vol. xx, p. 537.
10. W. C. Binkley, *The Expansionist Movement in Texas, 1836-1850*, at page 178.

WYOMING
NEBRASKA
IOWA
MISSOURI RIVER
Platte River
COLORADO
KANSAS
MISSOURI
Arkansas River
TREATY LINE 1819
SANTA FE
RIO GRANDE
NEW MEXICO
Santa Fe
100 Meridian
N.F. Red River
OKLAHOMA
ARKANSAS
Red River
WORTH
Pecos River
EL PASO
PRESIDIO
TEXAS
Sabine
MEXICO
Rio Grande
GULF OF MEXICO

Both of the Texas counties were organized but when Mr. Neighbors reached Santa Fé he ran into trouble.[11] On June 17th, 1850, President Taylor, in a message to the senate, notified congress that Robert S. Neighbors, styling himself commissioner of the state of Texas, had gone to Santa Fé with a view to organizing counties in that district under the authority of Texas, and, while he (President Taylor) had given no order to the military officers at Santa Fé to hold possession against the authority of Texas, and he had no power to decide the question of boundary, that in his opinion, the territory into which Mr. Neighbors had gone was actually acquired by the United States from Mexico and has since been held by the United States and ought so to remain until the question of boundary shall have been determined by some competent authority. Before any action on this subject could be taken, President Taylor died and was succeeded by President Fillmore.

On August 6th, 1850, President Fillmore notified the senate that he had received a letter from the governor of Texas, stating that a special commission had been sent to Santa Fé, with full power and instructions to extend the civil jurisdiction of the state over the unorganized counties of Presidio, El Paso, Worth, and Santa Fé, situated on its northwestern limits and that the military officers employed in the service of the United States stationed at Santa Fé interposed adversely with the inhabitants to the fulfillment of his object in favor of the establishment of a separate state government east of the Rio Grande and within the rightful limits of the state of Texas.

Among other comments in this letter of the president to the senate are the following:

> These four counties which Texas thus purposes to establish as being within her jurisdiction extend over the whole of the territory east of the Rio Grande which has heretofore been regarded as an essential and integral part of the department of New Mexico, and actually governed

11. W. C. Binkley, "The Question of Texan Jurisdiction in New Mexico under the U. S., 1848-1850," in *Southwestern Historical Quarterly*, xxiv, 1-38.

and possessed by her people until conquered and severed from the Republic of Mexico by the American arms.

If any civil posse armed or unarmed enter into any territory of the United States with intent to seize individuals, to be carried elsewhere for trial for alleged offences and this posse be too powerful to be resisted by the local authorities, such seizure or attempt to seize is to be prevented or resisted by the authority of the United States.

No government can be established for New Mexico, either State or Territorial, until it shall be first ascertained what New Mexico is and what are her limits and boundaries. These can not be fixed or known till the line of division between her and Texas shall be ascertained and established; and numerous and weighty reasons conspire, in my judgment to show that this divisional line should be established by Congress with the assent of the government of Texas.

In a case like this, surrounded as it is by many cogent considerations, all calling for amicable adjustment and immediate settlement the Government of the United States would be justified, in my opinion, in allowing an indemnity to Texas, not unreasonable or extravagant, but fair, liberal, and awarded in a just spirit of accommodation.

Both congress and the state of Texas acted promptly on the recommendation of President Fillmore, and the Act of Congress passed September 9th, 1850, to establish the northern and western boundaries of Texas; and the relinquishment by Texas of all territory claimed by her exterior to said boundaries, was accepted by the Legislature of Texas on November 25th, 1850.[12]

In return for giving up her claims, Texas was to receive ten million dollars in United States bonds, running for 14 years, with interest at 5%.[13] Under this act but $5,000,-000 in bonds was issued to the State, as by the act of February 28th, 1855, it was provided that the creditors of Texas should be paid in cash, and the amount to be paid them was increased to $7,750,000.[14] On November 1, 1926, according to the figures given in Bulletin 817 issued by the

12. *Laws of the Republic of Texas*, vol. I, p. 133.|
13. 9 Stat. L 447.
14. 170 Stat. L. 617.

Geological Survey, there were still outstanding $19,000 face value of these bonds. Including interest paid by the United States, the total cost of this settlement was $15,496,-447.77.

With the ratification of this agreement by the legislature of Texas, ended all claims of the state of Texas to 124,000 square miles of land which is now parts of Colorado, Wyoming, Kansas, Oklahoma, and New Mexico. However, Texas still had an area of 265,896 square miles left and is the largest state in the Union.

# CAUSES OF THE CONFEDERATE INVASION OF NEW MEXICO

*By* CHARLES S. WALKER

THE Confederate invasion of New Mexico was the initial movement of a campaign the object of which was the seizure of the entire American Southwest and the northern Mexican states. The cause of the invasion was the desire to see the Confederacy a sea-to-sea power with all the advantages which a nation reaching from the Atlantic to the Pacific between the parallels twenty-six and thirty-six north latitude might enjoy. Who first comprehended the possibilities of such a campaign is not entirely clear; but it is probable that it was General Sibley. Henry H. Sibley had been stationed in Arizona somewhat before the outbreak of the war, and knew the strength and weakness of the army in that region. On resigning his commission in Santa Fe at the outbreak of hostilities,[1] he had gone south to El Paso and then east to inform President Davis of the situation in New Mexico, and he had outlined a plan of campaign. But it is not certain whether he amplified his tentative suggestion to include the conquest of Chihuahua and Sonora,[2] although he actively prosecuted this action in 1862 when in the field. The orders which sent him to Texas merely stated that he was to drive the Federal troops from the Department of New Mexico and at the same time secure for the South all the materials of war and disaffected soldiery in the region.[3] In June, 1861, a prominent secessionist in Mesilla wrote to President Davis advocating an inva-

1. Lydia Spencer Lane mentions that Sibley was one of the officers who passed through Fort Fillmore in the spring of '61 after resigning their commissions. *I Married a Soldier* (1893) [Typewritten copy in the possession of the New Mexico College of Agriculture and Mechanic Arts], 5.

2. Teel, T. T., "Sibley's New Mexican Campaign—Its Objects and the Causes of Its Failure", *Battles and Leaders of the Civil War*, ii (1884), 700.

3. Cooper, S., to Sibley, July 8, 1861, *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies* (1880-1901), ser. I, vol. iv, p. 93.

sion of New Mexico on the grounds that it would result not only in the acquisition of military supplies, which "game," to be sure, was "well worth the ammunition," but "would relieve Texas . . . open communication to the Pacific, and break the line of operations, which . . . is designed to circumvallate the South." This Southerner signed himself as "Chief Justice M. H. McWillie.[4] Neither of these sources is satisfactory evidence concerning the origin of the project of annexation of Mexico, California, and the remainder of the Southwest; but it is certain that, wherever the inception, such were the designs of the operation. Colonel James Reily, Sibley's deputy to Chihuahua and Sonora, wrote to John H. Reagan that the South "must have Chihuahua and Sonora. . . With Sonora and Chihuahua we gain Southern California, and by a railroad to Guaymas render our State of Texas the great highway of nations."[5] And a month later the Acting Inspector-General of the Federal army in New Mexico informed the commander of the Department of the Missouri that "The conquest of it (New Mexico) is a great political feature of the rebellion. It will gain the rebels a name and a prestige over Europe, and operate against the Union cause. . . The Texans "will not rest . . . but they will . . . extend their conquest toward old Mexico and in the direction of Southern California."[6] From these two letters one catches inklings of the importance which the Confederates and their adversaries attached to the New Mexican campaign.

Mexican territory adjoining the southern boundary of the United States had been a tempting morsel to adventurers and expansionists for many years. In his annual message of 1858 President Buchanan had openly advocated the assumption of a "temporary protectorate" over the states of Sonora and Chihuahua, presenting as provocation the

4. McWillie, M. H., to Davis, June 30, 1861, *O. R.*, I, iv, 96. McWillie's use of the title "chief justice" indicates that the Mesilla convention of March 16, 1861, which attached Arizona to the Confederacy, had probably functioned, at least to the extent of appointing officials.

5. Reily, James, to John H. Reagan, Jan. 26, 1862, *O. R.*, I, L, part 1, 826.

6. Chapin, Gurden, to H. W. Halleck, Feb. 28, 1862, *O. R.*, I, ix, 634-635.

turbulent conditions on both sides of the border due to the ceaseless activities of the Apaches and "wandering Mexicans, equally lawless."[7] In 1861 neither the Apache nor the lawless Mexican had given the authorities at Richmond any reason to believe that their frontier was to be any more secure. From many angles Mexico was the most vital problem with which the foreign department of the Confederacy had to deal. It was the single foreign power from which they could not be cut off by blockade; it could furnish large quantities of war materials; it could see to it that European contraband crossed the Rio Grande;[8] and the situation in the north Mexican states could and did furnish food for thought to close observers in the department. The five border states of Mexico, Tamaulipas, Nuevo Leon, Coahuila, Chihuahua, and Sonora, with an area of 286,215 square miles, contained a population of less than 630,000 in 1861.[9] These states were not in the greatest sympathy with the fluctuating political scene in the City of Mexico. In fact, they had been de facto independent of the central government for four years preceding the Civil War in the United States.[10] Under the leadership of Santiago Vidaurri, of Nuevo Leon and Coahuila, the most powerful organization along the Rio Grande was contemplating secession from Mexico and the organization of a North Mexican Republic.[11] Consequently, the moment seemed auspicious to Confederate leaders, all the more so when it became apparent that Juarez was going to favor the United States.[12] Intimation that the Confederates were planning the seizure of a por-

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7. Richardson, James D., *A Compilation of the Messages and Papers of the Presidents*, v (1897), 514.

8. Owsley, Frank L., *King Cotton Diplomacy Foreign Relations of the Confederate States of America* (1931), 88.

9. Corwin, Thomas, to W. H. Seward, Aug. 28, 1861, *The Present Condition of Mexico* (37th Cong., 2d Sess., Ex. Doc. 100) (n. d.), 21.

10. Wright, G., to E. D. Townsend, Oct. 31, 1861, *O. R.*, I, L, part 1, 691.

11. Owsley, *King Cotton Diplomacy*, 92.

12. Owsley, *ibid*, 120.

tion of Mexico was received by the Federal officials as early as May 3, 1861. A Union sympathizer in La Paz addressed a note to Seward with the information

> that it is the intention of the secessionists to take possession of the peninsula of Lower California, Mexico, as one of the preparatory steps to the acquiring of a portion or the whole of Mexico. Having possession of the peninsula of Lower California, their intention is to cut off our commerce with Mexico, seize the Panama steamers, and with the aid of the treasure so acquired to be able to extend their conquest to Sonora and Chihuahua at least.[13]

Officials on the Coast also had knowledge of the movement. General Wright, commanding at San Francisco, knew that "The fondly cherished hopes and aim of the rebels are to obtain a port on the Pacific." He realized that "the adjoining state of Sonora, with a feeble government and sparse population, presents inducements of the strongest kind for the rebels to march a force into that country and obtain possession of the fine port of Guaymas."[14] It was through Guaymas that shipments were made for the states of Sonora, Chihuahua, and New Mexico, including Arizona.[15] The United States consul at Mazatlán reported somewhat later that the "grand aim and object of the leading men of Western Texas, Hart, of El Paso, Crosby, and others, is to annex to Texas Chihuahua and Sonora, and I am of the opinion that they will on the receipt of the news of defeat in the South cause a diversion from New Mexico toward Sonora."[16] The correspondence of Minister Corwin and Secretary Seward often refers to Confederate relations with the republic below the Rio Grande, and illumines a few interesting points. April 6, 1861, Seward expressed himself to his representative in Mexico City in these words:

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13. Sprague, Thomas, to Seward, May 3, 1861, *O. R.*, I, L, part 1, 475.
14. Wright to Townsend, Oct. 31, 1861, *O. R.*, I, L, part 1, 691.
15. Corwin to Seward, Aug. 28, 1861, *Present Condition of Mexico*, 20.
16. Robertson, R. L., to Wright, April 18, 1862, *O. R.*, I, L, part 1, 1013.

> [A] condition of anarchy in Mexico must necessarily operate as a seduction to those who are conspiring against the integrity of the Union to seek strength and aggrandizement for themselves by conquests in Mexico and other parts of South America. . . [There] is . . . some reason to believe that designs have been conceived in some parts of the United States to effect either a partial dismemberment or a complete overthrow of the Mexican government, with a view to extend over it the authority of the newly projected confederacy . . . [A representative of Mexico] has . . . expressed . . . an apprehension that the removal of the Federal troops from the Texan border may be followed by outbreaks and violence there. There is, perhaps, too much ground for this apprehension.[17]

On June 3 Seward used phrasing which reveals that he had received Sprague's note from La Paz.[18] To these opinions Corwin answered that

> Well-informed Mexicans in and out of the government, seem to be well aware that the independence of a southern confederacy would be the signal for a war of conquest with a view to establish slavery in each of the twenty-two States of this republic.[19]
>
> It is no doubt the design of the "Southern Confederation", whenever it can, to seize all of these States, indeed, to possess itself of the entire Terra Caliente of Mexico, that being well adapted to slave labor.[20]
>
> European influences once inaugurated here, would encourage and corroborate the hopes of the Southern rebels, and would aid them in procuring their recognition by European powers. It would so weaken Mexico that a very inconsiderable southern force could conquer in a very short time four or five Mexican states.[21]

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17. Seward to Corwin, April 6, 1861, *Present Condition of Mexico,* 7.
18. Seward to Corwin, June 3, 1861, *ibid,* 10.
19. Corwin to Seward, July 29, 1861, *ibid,* 16.
20. Corwin to Seward, Aug. 28, 1861, *Present Condition of Mexico,* 20.
21. Corwin to Seward, Sept. 7, 1861, *ibid,* 24.

But it remained for a resident of Guaymas to phrase the truth most emphatically. One Thomas Robinson wrote that he had no doubt about the intentions of the Confederates.[22]

> What the devil do they care for Arizona without 100 souls in it, and nothing worth having there? They wish to march into Sonora as is intimated from many sources, and take quiet possession, for we are not at present in condition to resist, having just passed through a very sore trial. . . If they once get possession of this State and its posts the North may just as well give up the complete line through from the Gulf of Mexico to Gulf of California, and it will require a superior effort then to rout them. This is no newspaper talk, but something certain.[23]

A last bit of evidence is selected from a protest against the inaction of the leaders in the Federal army in New Mexico, written by an old soldier at Fort Fauntleroy to Simon Cameron. While this letter (so lengthy that it covers six full pages in the *Official Records)* is of course the expression of a writer who probably had no means of possessing accurate first-hand information of Confederate plans, it is inserted because it plainly shows that belief in Confederate designs on Mexico was prevalent among the soldiers of the line in New Mexico. After revealing considerable knowledge of the New Mexican scene from 1846 to 1860, this trooper stated that

22. The date of this letter is uncertain, but it was evidently written after the withdrawal of the United States troops from western Arizona in July, 1861, and before January 28, 1862.

23. Robinson, Thomas, to ——— Flint, (n. d.), *O. R.*, I, L, part 1, 831. Latham Anderson, in his excellent article in *Battles and Leaders*, ii, 697, "Canby's Services in the New Mexican Campaign," makes practically the same statement. He says that "The remote and unimportant territory of New Mexico was not the real object of this invasion. The Confederate leaders were striking at much higher game—no less than the conquest of California, Sonora, Chihuahua, New Mexico, Arizona, and Utah." This discussion by Canby's adjutant-general is the most scholarly as well as the most complete account of the influences motivating the Confederates which has come to the attention of the writer.

> Our country, stretching more than 1,000 miles along the Mexican frontier, requires a vigilant eye to be kept upon the machinations of the secession forces who are now straining every nerve, pulling every cord with might and main to circumvent the supporters of our glorious Union, and incorporating the States of Nuevo Leon, Coahuila, Chihuahua, Durango, and Sonora, Mexico, into the Government of the Confederate States of the South.[24]

—This at the time Baylor's Arizona Territory was getting under way at Mesilla. After a perusal of the above quotations, or the many other sources in which the same facts are stated, the significance of the instructions given to J. A. Quinterro on his departure to act as representative of the Richmond government near the residence of Santiago Vidaurri becomes clear. Quinterro was informed that it was to be one of the principle duties of his mission

> to collect and transmit accurate and minute information with regard to those provinces [North Mexican States], the amount of the population of each, divided into races and classes, the superficial area of the several provinces, their products, mineral resources, etc., the amount and value of their exports and imports, the state and extent of their manufactures, and the general condition of the people in a social, political, and commercial point of view.[25]

Because it was likely to attract international attention and possibly complications, the contemplated seizure of northern Mexico was discussed more often than California in the correspondence of the sixties, and hence provides more choice documents from which evidence may be pre-

24. Need, William, to Simon Cameron, Sept. 27, 1861, *O. R.*, I, L, part 1, 636. Theophilus Noel, a private soldier in Sibley's brigade, has left an account filled with disgust at the mismanagement of the New Mexican campaign: *Autobiography and Reminiscences of Theophilus Noel* (1904). He leaves the impression that he understood the significance of the long march from San Antonio to the Rio Grande: "an army of Texans [which were to] switch off down in and take Sonora, Chihuahua, Durango, and Tamaulipas in Mexico and add them to the Confederacy." p. 56.

25. Browne, William M., to J. A. Quinterro, Sept. 3, 1861, in James D. Richardson, *A Compilation of the Messages and Papers of the Confederacy*, ii (1905), 78.

sented than does the annexation of the Pacific coast and the Southwest, which were regarded as legitimate fields of operations. But Mexico was fraught with no more potential value to the Confederates than was California. The advantages of such a possession, a topic of discussion at a later point in this study, may easily be surmised by one familiar with the peculiar economic necessities of the Confederate States in 1862 and later. Therefore, the fact that less space is devoted in this paper to developing the theme of the seizure of California as a cause of the Confederate invasion than is devoted to Mexico as a cause must not be interpreted by the reader as implying that California was not as important as was Mexico in the councils of Sibley and his advisers. Major Teel, commander of Sibley's artillery, held the opinion that the conquest of California would have preceded any invasion of Mexico, once New Mexico had been cleared of Federals,[26] while the importance of California is equally emphasized by General Anderson, who devoted most of his discussion of the Confederate project to pointing out what would have resulted had California been captured.[27] Shortly after the opening of the Rio Grande campaign, General Sibley informed Major Teel that the "objective, aim, and design of the campaign was the conquest of California, and as soon as the Confederate army should occupy the Territory of New Mexico, an army of advance would be organized, and 'On to San Francisco' would be the watchword".[28] This concise but conclusive evidence is corroborated by a report of Secretary of War J. P. Benjamin to President Davis. He discusses the proceedings of Baylor in the Mesilla valley, and then goes on to say: "The result of his action has been the securing to the Confederacy of a portion of the territory formerly common to all the States but now forming a natural appendage to our Confederate States, opening a pathway to the Pacific."[29]

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26. Teel, "Sibley's New Mexican Campaign," *Battles and Leaders*, ii, 700.
27. Anderson, "Canby's Services," *ibid*, ii, 697.
28. Teel, "Sibley's New Mexican Campaign," *ibid*, ii, 700.
29. Benjamin to Davis, Dec. [14?], 1861, *O. R.*, IV, i, 791.

It was this "pathway to the Pacific that made California so important. From Fort Bliss, Baylor reported to headquarters that "The vast mineral resources of Arizona, in addition to its affording an outlet to the Pacific, make its acquisition a matter of some importance to our government."[80] Bancroft considers California the chief cause of the invasion. He writes:

> Confederate plans respecting the Southwest belong in their general scope to the history of California, which country was the chief prize in view, and in details of operations to that of New Mexico. . . . Here it suffices to say that those plans . . . included the occupation of all the southern frontier regions to the Pacific.[81]

The Confederates assumed that if California, New Mexico, and the northern Mexican states, joined the Confederacy, the strong secession element in Nevada, Utah, and Colorado, would aid the movement, making the conquest of the Southwest complete.[82]

The cause of the Confederate invasion of New Mexico may be stated in a sentence as the desire to seize the Southwest and northern Mexico. But this region was valued by Southerners for certain advantages which its possession would bring. These advantages spurred on the Confederates, and consequently may be considered as subsidiary causes. It was felt in the South that the addition of the immense region under consideration would so expand the limits of the Confederacy that European recognition would follow. The relative areas of a Confederacy with a southern boundary near the twenty-sixth parallel and a northern near the forty-second and a United States which included the remainder of the nation as it had existed prior to 1861 was thought to be certain to impress European potentates.

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80. Baylor to Van Dorn, Aug. 14, 1861, *O. R.*, I, iv, 23.
81. Bancroft, Hubert H., *Arizona and New Mexico* (1889), 510-511.
82. Bancroft, *ibid*, 685-686.
Hayes, A. A., Jr., *New Colorado and the Santa Fe Trail* (1880), 162.
Anderson, "Canby's Services," *Battles and Leaders*, ii, 697.

And if the North failed to expand its blockade to include the Pacific coast,[33] thus reducing its effective blockade to a partial blockade, and releasing on the oceans Confederate war and merchant craft which might be constructed in California and Mexico, there was ample reason to hope that the opposition to Southern recognition would disappear in London and Paris, the capitals most involved. The newer union of states would include more territory than its rival, its unblockaded coast-line would exceed that of the North, and the mines of the West would pour into Confederate coffers the wealth which had formerly gone to Washington, enabling Richmond credit abroad to be as acceptable as any other. One discerns a certain degree of logic in this argument.[34] But if Europe failed to respond in the expected manner the South saw no reason to consider that the acquisition of the Southwest and northern Mexico would be wasted effort. A port or two on the Pacific through which supplies might be imported would greatly relieve the situation east of the Mississippi and furnish materials of war for the soldier and food for the civilian.[35] The gold of Arizona was valued by the North as a source from which to pay for the prosecution of the war,[36] and it might have relieved the treasury department of Richmond just as effectively. President Lincoln denominated the gold of the West as "the life-blood of our financial credit,"[37] which indicates that the Confederates were not over-estimating its importance. Re-

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33. Anderson considered the establishment of an effective blockade on the Pacific coast impossible. "Owing to the remoteness of this coast it would have been impossible for us to have effectually blockaded it." "Canby's Services," *Battles and Leaders*, ii, 697.

34. Anderson, "Canby's Services," *ibid*, ii, 697. Chapin to Halleck, Feb. 28, 1862, *O. R.*, I, ix, 634-635.

Bancroft, *Arizona*, 511.

35. Baylor hoped to obtain horses from California. He requested that "some arrangement for the purchase of horses in California be made. I could now buy the best of horses there for less than $50 per head, and there are many Southern men who would sell them for Confederate bonds." Baylor to S. B. Davis, Nov. 2, 1861, *O. R.*, I, iv, 149.

36. Carleton to Thomas, Sept. 13, 1863, *Indian Tribes, Condition of the. Report of the Joint Special Committee, Appointed Under Joint Resolution of March 3, 1865* (1867), 136.

37. Anderson, "Canby's Services," *Battles and Leaders*, ii, 697.

cent mining discoveries in Chihuahua and Sonora had drawn around them large bodies of miners from California, most of whom were Southerners who could be depended upon to direct mining operations in that area.[38] In addition to European recognition and acquisition of gold and supplies, the Southwest would furnish recruits for the Confederate army. There were many Southern sympathizers in this region who were waiting for an opportunity to enlist. A California assemblyman asserted that thirty thousand men were ready to take up arms for the Confederacy in that state alone.[39] A more reliable source places the figure at twenty thousand, and goes on to say that if the South "should ever get an organized force into this State, as a rallying point for all the secession element, it would inevitably inaugurate a civil war here immediately."[40] Less than a month after the above was penned John R. Baylor was aware that "California is on the eve of a revolution. There are many Southern men there who would cheerfully join us if they could get to us, and they could come well armed and mounted."[41] It was the estimate of a member of the New Mexico legislature from Doña Ana county in 1863 that nine out of every ten men in that county favored the South.[42] However, the additions to the Confederate army which the West could have made were so meagre in consequence of the scanty population that this feature of annexation could hardly have been of as much moment as the more far-reaching influences of an unblockaded port on the Pacific or numerous gold and silver mines.

From many angles there seemed to be factors which could be depended upon to make for the success of a Confederate invasion of New Mexico, and which probably acted as contributing causes in that attempt. It was said that the Federal army in New Mexico was weak. The com-

38. Corwin to Seward, Aug. 28, 1861, *Present Condition of Mexico*, 21.
39. Kennedy, Elijah R., *The Contest for California in 1861* (1912), 74.
40. Sumner, E. V., to Townsend, Sept. 7, 1861, *O. R.*, I, L, part 1, 610.
41. Baylor to Davis, Nov. 2, 1861, *O. R.*, I, iv, 149.
42. *The New Mexico Press* [Albuquerque], July 19, 1864.

manding officer of the Department was handicapped by a vacillating policy at Washington, which left New Mexico "in a destitute condition." There was "not artillery enough in the department to arm a single post properly, and the supply of ammunition, except for small-arms, [was] exceedingly limited. Remounts for cavalry horses and draught animals for the quartermaster's department [could not] be procured."[43] There had been extremely dry weather during 1859 and 1860, so that in 1861 it was difficult to secure mounts of any description in the Territory. The Federal soldiers were restless under continued deferment of their pay, which was six months in arrears in June, 1861.[44] It is probable that sympathizers with the South among the officers in New Mexico knew that the majority of the regular army in the Department had been ordered, May 17, 1861, to march to Fort Leavenworth, Kansas; the defense of the Territory to be left in the hands of one regiment of riflemen and four companies of dragoons together with such militia as could be raised among the citizens.[45] Colonel Baylor evidently expressed the pith of Southern opinion in 1861 when he closed a report with the terse sentence "New Mexico can now be easily taken."[46]

Probably the chief foundation for Baylor's confidence was the reported pro-Southern attitude of a majority of the inhabitants of Arizona and the prevalence of the secession viewpoint in Santa Fé. Certainly he had reason for his belief. It had been only two years since the New Mexican legislature had enacted a slavery code "which would bring blushes to the cheeks of Caligula",[47] in order to find

43. Canby to Assistant Adjutant-General at Saint Louis, Aug. 16, 1861, *O. R.*, I, iv, 64-65.

44. Canby to Assistant Adjutant-General at New York, June 11, 1861. *O. R.*, I, i, 606. This condition had become so serious by November, 1861, that "The military operations in this department [were] greatly embarrassed . . . almost entirely paralyzed by the want of funds in the pay department." Canby to Paymaster-General at Washington, Nov. 18, 1861, *O. R.*, I, iv, 75.

45. Headquarters of the Army, Washington, "Special Orders, No. 86½," May 17, 1861, *O. R.*, I, i, 604.

46. Baylor to ————, Sept. 24, 1861, *O. R.*, I, iv, 109.

47. Bingham, of Ohio, Jan. 22, 1861, *Congressional Globe, 36th Cong., 2d Sess., Appendix*, 83.

favor with Buchanan's administration.[48] The law had been passed at the suggestion of Jefferson Davis, after being sponsored by the New Mexican delegate at Washington, Miguel Otero.[49]

Otero was undoubtedly pro-Southern. He was accused on the floor of Congress by a representative from Wisconsin of being "sound on the slavery question",[50] and he allowed to appear in a Santa Fé newspaper a letter advocating secession from the United States and union with the proposed "Bear Flag Republic." This sheet was the Santa Fé *Gazette* of December 8, 1860, which was one of three newspapers in the Territory which advocated Southern principles. On Feb. 2, 1861, the *Gazette* referred to the attempt to subjugate the Southern States as "an absurd project" which would be opposed until defeat had been the lot of the "invader", "the mercenary hourdes from the North", and on March 16 quietly suggested union with the South.[51] Both of the newspapers in the region called Arizona were secessionist. Sylvester Mowry's Tucson *Arizonian* leaves no doubt concerning its tenets; and an attack on President Lincoln in the issue of March 9, 1861, makes its position definite.[52] Nor was the publication in the Mesilla valley less outspoken. W. W. Mills, one of the few Unionists in the area, wrote on June 23 that "The Mesilla Times is bitterly disunion, and threatens with death anyone who refuses to acknowledge this usurpation".[53] The *Times,* on May 11, welcomed the news of the firing on Fort Sumter with "enthusiastic cheers", and contained a sketch of the Confeder-

48. Richardson, Albert D., *Beyond the Mississippi, 1857-1867* (1867), 264.

49. Otero, Miguel, to A. M. Jackson, Dec. 16, 1858, *Bill and Report of John A. Bingham and Vote on Its Passage, Repealing the Territorial New Mexican Laws Establishing Slavery* (n. d.), 1. A summary of this act is in Bancroft, Arizona, 683. A complete text is found on pages 4-7 of the document which contains Otero's letter. This was issued as a campaign pamphlet in 1860 by the Republican Executive Committee.

50. *Cong. Globe, 36th Cong., 2d Sess.*, 515.

51. Santa Fé *New Mexican,* Oct. 19, 1867.

52. Hinton, Richard J., *The Handbook to Arizona* (1878), 265-266.

53. Mills, W. W., to John S. Watts, June 23, 1861, *O. R.*, I, iv, 56.

ate flag beneath which was printed a contributed poem, "Our Flag", and the rousing "Dixie Land".[54]

Other factors in addition to the slave code, Delegate Miguel Otero, and the newspapers, indicated that New Mexico was pro-Southern, and might be expected to aid a Confederate invasion. One of these was the commercial dependence of New Mexico upon states of Southern sympathies, especially Missouri and Texas. E. R. S. Canby was but giving expression to a truth which had become more and more important each year subsequent to 1824 when he said that in the future New Mexico's position "will be contingent upon the action of Missouri, with which the people of this Territory are more intimately connected in their commercial relations than with Texas or the neighboring States of Mexico".[55] The Santa Fé Trail made New Mexico dependent upon the slave state of Missouri; and while time proved them wrong, the Confederates probably considered this an asset in 1861. At least the Mesilla *Times* saw no reason to refrain from announcing:

> From a correspondent well posted in New Mexican affairs at Santa Fé, we learn that the universal opinion and decision among the leading and influential citizens of New Mexico is to abide the choice of Missouri in the present national difficulties between North and South. . . The closest commercial relations exist between New Mexico and Missouri and probably induces the above line of action.[56]

Numerous petitions for aid sent to Montgomery and Richmond spoke the Confederate inclination of the people.

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54. Mesilla *Times*, May 11, 1861. Frank Higgins, the editor of this paper, was later rewarded for his efforts by appointment to the office of probate judge of the Confederate court at Mesilla. Walker, Charles S., "Confederate Government in Doña Ana County," NEW MEXICO HISTORICAL REVIEW, vi, 261 (July, 1931). While Higgins was editor on May 11, he had evidently turned over his duties to Mr. Kelly by June 16. Paul, G. R., to Acting Assistant Adjutant-General at Santa Fé, June 16, 1861, *O. R.*, I, iv, 39.

55. Canby to Assistant Adjutant-General at New York, June 11, 1861, *O. R.*, I, i, 606.

56. Mesilla *Times*, May 11, 1861.

A communication from Henry Winslow relative to possession of New Mexico was presented before the Provisional Congress, February 25, 1861, and referred to the Committee on Territories.[57] Four prominent names were attached to a request from Mesilla for "a Territorial organization by the Confederate States of America, the subjugation of all the Indian tribes, and the administration of law and justice."[58] Of course there was the above mentioned suggestion of Chief Justice M. H. McWillie to President Davis that it might be profitable to expend ammunition on the "game" in New Mexico.[59] Officers Baylor, Sibley, and Reily must have felt that they were not "invading" southern New Mexico at all, but merely occupying it by request; for had not a convention in Mesilla declared Arizona seceded from the United States and a part of the Confederacy? If these men had needed any encouragement, they must have found it in abundance in the sixth resolution of the secession convention which convened on March 16, 1861.[60]

> *Resolved*, That we will not recognize the present Black Republican administration, and that we will resist any officers appointed to this Territory by said administration with whatever means in our power.[61]

A study of the census of 1860 does not reveal any preponderance of inhabitants of Southern nativity in New Mexico. In fact, the figures themselves give no reason at all for suspecting that there was a marked Southern sentiment in the Territory, although at the same time they give no reason for believing that there was not. While they do not prove that the leaders of the invasion were mistaken, the data force the historian to handle petitions and such

57. *Journal of the Congress of the Confederate States of America* (58th Cong., 2d Sess., Doc. 234), i (1904), 80.

58. Jones, Samuel J., R. P. Kelley, James A. Lucas, and L. S. Owings, to E. N. Covey, June 6, 1861, *O. R.*, I, L, part 1, 501-502.

59. McWillie to Davis, June 30, 1861, *O. R.*, I, iv, 96.

60. Paul to Acting Assistant Adjutant-General at Santa Fé, June 16, 1861, *O. R.*, I, iv, 39.

61. Lucas to Lorenzo Labadi, June 14, 1861, *O. R.*, I, iv, 39.

material rather gingerly. According to the census the border states of Delaware, Maryland, Kentucky, and Missouri, had been the birth-place of 379 of New Mexico's population of 1860. The states to the south of these had contributed 652, while the states to the north of these had furnished 1,124. This shows a majority in favor of the Northern states. New York sent 400 of its sons to New Mexico, Pennsylvania, 215, Missouri, 171, and Texas, 166; these being the first four in number represented in the Territory. Thus, the first truly Southern state ranks fourth. But the census is not entirely satisfactory. It lists in one lot all persons born in the territories of the United States, a fact which considerably reduces the value of nativity study as a means of discovering the probable sentiments of the New Mexicans, for this group included 84,487 out of the total population of 86,793. Hence, the census is interesting because it shows that a majority of the persons who happened to be born in states were born in Northern states, but since the percentage born in states was negligible, no valid conclusions may be drawn from it.[62]

Military inefficiency in New Mexico and the pro-Southern sentiments of the inhabitants pointed toward Confederate success; likewise the political situation in Arizona must have encouraged the secessionists. The Territorial government at Santa Fé had consistently neglected that part of its jurisdiction south and west of the Jornada del Muerto. At least three causes contributed to this neglect. The first was the isolation of the region from the capital, which made communication difficult.[63] The second was the Southern opinions of most of the Anglo-Americans south of the Jornada. And the third, and most important, was the

62. *Eighth Census, Population*, 573. The eight states which contributed most to the population were: New York, 400; Pennsylvania, 215; Missouri, 171; Texas, 166; Virginia, 149; Kentucky, 108; Tennessee, 101; Ohio, 97.

The various sections of the United States were represented as follows: New England, 190; East Central, 739; Old Northwest, 201; northern states west of Mississippi, 251; south of the Ohio and east of Mississippi, 320; southern states west of Mississippi, 257.

63. "Labors for a Territorial Government" [Fish's manuscript], *Arizona Historical Review*, i, 68 (April, 1928).

determination of the politicians of the Rio Arriba, or the counties of upper New Mexico, to keep governmental affairs in their own hands. Commenting on a rumor that Doña Ana county was seeking to effect a separate organization in 1863, the *Rio Abajo Weekly Press,* of Albuquerque, summed up the entire matter in a few phrases:

> [The] people south of the Jornada del Muerto . . . [are] still suffering under the same political grievances inflicted upon them by the party hacks who controlled our Legislature since the organization of this Territory. . . . Doña Ana county, with as great a population as Bernalillo—if not greater—has apportioned her but one Councilman and one representative, while Santa Ana, with little more than three hundred voters, has an equal representation. The people of Dona Ana were disgusted by such unjust treatments, and would not send anyone to represent them at Santa Fe, but sought at Washington redress of their grievances. In the apportionment by Governor Rencher, in 1861, that county was assigned no greater representation than it had had ten years before, notwithstanding the subsequent acquisition of Mesilla, and other populous settlements west of the Rio del Norte. It has always been the aim of certain demagogues that the counties of Santa Fe, Rio Arriba and Taos should rule the Territory and Government; appointees from the states have favored the scheme on account of favors received or expected. Is it any wonder that the people of Doña Ana wish to be annexed to Arizona?[64]

A comparison of the census figures[65] and the apportionment of the legislators as listed by Bancroft[66] substantiates certain sentences in the above, and reveals a most indiscriminate arrangement of representation. Doña Ana and Ari-

64. *Rio Abajo Weekly Press,* April 14, 1863. A most interesting note appeared in the next week's issue. A movement was on foot to have the counties of Doña Ana (New Mexico) and Franklin (Texas) united and admitted to the Union as the Territory of Montezuma. *Ibid,* April 21, 1863.

65. *Eighth Census, Population,* 568-572.

66. Bancroft, *Arizona,* 634-636.

zona counties with a population of 8,660 were allowed one member in the House, while Bernalillo with a population of 8,574, elected three. Santa Ana county included only 1,505 residents, but sent to Santa Fé the same voting power as Doña Ana. Valencia county contained 8,482 persons, but had only half the voting power of Socorro county, which contained 5,706. Of course, universal suffrage did not exist, but this will hardly explain such a state of affairs. It would seem that Hezekiah S. Johnson, editor of the *Rio Abajo*, was correct. He stated the truth with reference to the failure of Doña Ana county to send the lone delegate allowed it. Six of the ten sessions of the House, 1851-1861, sat without a voice from the people below the Jornada.[67]

The first indication that all was not well between the southern and northern portions of New Mexico appeared in December, 1854, when a petition was presented to the Territorial legislature asking that a resolution be sent to Congress praying the organization of the southern area into a separate Territory. "Primeria", "Gadsonia", and "Arizona", were suggested as possible names, the latter being favored. But this first attempt to secure independent government failed.

Tucson was the scene of a convention held on August 29, 1856. A more definite step was taken in this meeting, which organized with Major[68] M. Aldrich presiding, James Douglass and José M. Martinez, vice-presidents, and N. P. Cook, G. H. Oury, H. Ehrenberg, Ign. Ortiz, and I. D. I.

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67. Members from Doña Ana county attended in '52, '55, '56, and '58. The population of the counties and representation in the House in 1860 were as follows:

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|---|---|---|
| Taos, | 13,479, | 5. |
| Rio Arriba, | 9,329, | 5. |
| Santa Fé | 7,995, | 3. |
| San Miguel, | 13,670, | 3. |
| Bernalillo, | 8,574, | 3. |
| Santa Ana, | 1,505, | 1. |
| Valencia, | 8,482, | 1. (1859) |
| Socorro, | 5,706, | 2. |
| Doña Ana and Arizona, | 8,660, | 1. (1858) |

68. Bancroft, *Arizona*, 504, reads "Mayor".

Pack, committee on resolutions.[69] A memorial signed by two hundred and sixty persons was sent to Congress urging the organization of a Territory. Oury was elected to the legislature at Santa Fé; and during the following month Nathan P. Cook, delegate to Washington. Although Cook was not admitted to a seat, his efforts in Washington resulted in the introduction of a bill in the House, January, 1857, to organize the Territory. This failed to gain the approval of the committee to which it was referred, who recommended instead a long and complicated bill creating a judicial system independent of Santa Fé, but otherwise doing little to relieve the trouble. This passed the Senate in February, but did not appear in the House.[70]

Another petition and another delegate were dispatched from Tucson in September, 1857, but in spite of the zeal of the new representative of the people of Arizona, Sylvester Mowry, no success followed.[71]

Mowry was re-elected in September, 1858, receiving 2,164 votes. A bill proposed by Senator Gwin, of California, attempted to alleviate the discrimination against Arizona in the New Mexican legislature by providing that there should be two members in the Council and four in the House from that region,[72] but it went the way of the previous efforts.

The opposition to these bills considered that Arizona did not have a population sufficient to warrant the expenditure involved in a Territorial government. There was also fear that Arizona would become a slave state.[73]

Tucson had not been alone in its efforts; on September 3, 1858, and again on June 19, 1859, Mesilla had taken similar action. James A. Lucas presided over the latter ses-

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69. Bancroft, *ibid*, 504, lists in addition G. K. Terry and W. N. Bonner as secretaries.

70. "Labors for a Territorial Government" Fish's manuscript, *Ariz. Hist. Rev.*, i, 63 (April, 1928).

71. Bancroft, *Arizona*, 505.

72. *Cong. Globe, 34th Cong., 3rd Sess.*, 819.

73. "Labors for a Territorial Government" Fish's manuscript, *Ariz. Hist. Rev.*, i, 63 (April, 1928).

sion, and Samuel W. Cozzens acted as secretary.[74] Sylvester Mowry addressed the convention and received its nomination for re-election as delegate. The customary resolution included phrases which indicated that the spirit of separatism had been growing stronger and stronger as Congresses refused petition after petition: it complained that there had not been a session of court held south of the Jornada since 1855, declared that Arizona would take no part in New Mexican elections from that time forward, and called for an election of delegate on September 1. Representatives of each town in the convention were elected to a similar meeting to be held in Tucson on June 27. The delegates did not open the Tucson session until July 3, but at that time adopted resolutions similar to those of the Mesilla convention. John Walker acted as president, and J. H. Wells as secretary.

The final step was taken a year later when a complete Territorial government was organized.[75] This provisional government set in motion in April, 1860, was a direct precursor of the Confederate Territory of Arizona, which built upon the edifice already constructed, even to the extent of retaining many of the officials. Baylor was but giving expression to the avowed desire of eight years of agitation when he proclaimed the land south of the Jornada an inde-

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74. It is to be regretted that the author of *The Marvelous Country* did not think more highly of his political ventures. While Cozzens discusses numerous incidents of early Arizona history, there is not a word concerning this most important convention of which he must have had considerable knowledge as a result of his secretarial duties.

75. Bancroft, *Arizona*, 506-507. This convention met from April 2 to April 5 with 31 delegates present. It adopted a provisional constitution, declared its northern limits the line of 33°40′, and provided for four counties, Doña Ana, Mesilla, Ewell, and Castle Dome. Officials elected or appointed were: governor, Dr. L. S. Owings, of Mesilla; judges of the supreme court, G. H. Oury (chief justice), Samuel Cozzens, and Edward McGowan; lieutenant-governor, Ignacio Orantia; secretary of state, James A. Lucas; controller, J. H. Wells; treasurer, M. Aldrich; marshall, Samuel G. Bean; district attorneys, R. H. Glenn, Rees Smith, and Thomas J. Mastin; commander of militia, W. C. Wordsworth; and adjutant-general, Palatine Robinson. The legislature was to consist of nine senators and eighteen representatives. The minutes of the convention, the Territorial constitution, and the governor's inaugural address, were printed at Tucson in what Bancroft calls the first book ever published in Arizona. The edition contained twenty-three pages, and was issued under the imprint of J. Howard Wells.

pendent Territorial jurisdiction. What the United States refused to supply, Baylor sought to provide; and it was no deterrent to the Confederate cause that the United States government had taken no notice of Arizona's numerous peitions. The continued efforts of Arizonans to secure government free from the control of Santa Fé, and the evident dissatisfaction which became more and more apparent with repeated failure must have been a situation which brought joy to the Confederate authorities as they considered the ways and means and probable success or failure of a western campaign.

There seems to have been a belief among Southerners that the Mexican would come to their aid. Friends of the cause reported that Mexicans could be depended upon for commissariat supplies, mules, and teams,[76] because they were completely controlled by Anglo-Americans, most of whom in Arizona were Southerners.[77] In El Paso county, Texas, the vote on secession was considerably augmented by friends from across the Rio Grande, and it was later suggested that the total would have been even larger if the river had not risen at the critical moment.[78] Seward wrote to Corwin that the native population of California "would to a man join the invaders",[79] and it is probable that the Confederates thought that the Mexican in New Mexico would do the same. One writer states that the Apache was also looked upon as an aid.[80] Some acquaintance with the history of the "foreign affairs" of this powerful tribe causes one to accept such a statement with many reservations if at all. It is true, as the writer referred to states, that "the Apaches were killing the Yankee miners as fast as the rebels could have done," but there is little evidence that the Confederates would have fared better at their hands.

76. Hayes, *New Colorado*, 162.

77. Mills, W. W., *Forty Years at El Paso, 1858-1898* (1901), 38-39.

78. Smithwick, *Evolution of a State*, 343.

79. Seward to Corwin, June 3, 1861, *Present Condition of Mexico*, 10.

80. Hayes, *New Colorado*, 162.

Certainly Baylor's relations with the Indians were not those of an ally.[81]

The cause of the Confederate invasion of New Mexico was the desire to annex the American Southwest and the northern states of Mexico. The advantages to be gained by this acted as subsidiary causes: an immense territory would be added to the Confederacy, including a long coastline with at least three desirable ports through which world commerce could supply the necessities of war and life; control of rich gold and silver mines would insure foreign credit and enable a navy to be launched which could meet the Federal forces on equal terms; as a result European recognition would follow; and a few soldiers and many supplies would be found in the captured country. The factors making for the success of the plan acted as contributing causes: the military forces in New Mexico were looked upon as insufficient and inefficient; a majority of the inhabitants of Arizona were pro-Southern; long efforts at obtaining independent Territorial organization had resulted in failure and dissatisfaction; and possibly the Mexican favored the South.

81. Baylor to Magruder, Dec. 29, 1862, *O. R.*, I, xv, 914-918.

# THE FIRST CIVIL GOVERNOR OF NEW MEXICO UNDER THE STARS AND STRIPES

*By* PAUL A. F. WALTER

AT THE request of State Senator A. C. Torres of Socorro, chairman of a committee appointed by the upper house of the eleventh legislative assembly, the Museum of New Mexico provided a name plate for the life-size portrait of Governor Charles Bent (painted by Carl Lotave) now in the senate chamber of the capitol at Santa Fé, and the president of the New Mexico Historical Society prepared a biographical sketch of Governor Bent which was presented to the senate on the last day of the session, March 11, 1933.

As in most instances of the lives of men and women who took prominent part in the making of the Southwest, historians and contemporaries fail to give a clear-cut picture of the personality of Charles Bent. We have detailed description of some of the events in which he figured but there is lacking the intimate detail of appearance, habits, the books he read, his outlook upon life, conversation, self-revealing personal incidents, which enable the biographer to present his subject as a flesh and blood person. Thus it is that the chronicler faithfully draws the background and the setting, but the hero of the drama is merely a shadow flitting across the stage. So far, there is lacking any collection of letters (of which Bent must have written many) and, strange to say, a paucity of personal references in documents or of indirect source material which would enable the biographer to paint a well-rounded picture of so notable a historical figure. True, there is a portrait painted by an unnamed artist, a family heirloom, from which photographs have been made to illustrate New Mexico histories, and which is the basis for the portrait in the senate chamber, but it differs in its delineation so vitally from a really fine picture of his brother William, that there

is justification for the belief that the unnamed artist failed to preserve for posterity the features of Charles Bent. The following address brings together some of the historical facts which are scattered throughout a number of histories and publications, and in and of which Bent was a part.

### Address at the Re-Dedication of the Portrait of Charles Bent in the Hall of the State Senate at Santa Fe, March 11, 1933

In New Mexico's Hall of Fame, the ancient Palace of the Governors at Santa Fé, there is recorded in archives, periodicals, books, and letters, not merely the story of the men and women who founded and built the commonwealth, but within its halls lived many in whose names and deeds all of us take patriotic pride. No other commonwealth can boast of so glamorous a history, no other building within the United States has looked down upon so many deeds of valor and significant events, or housed so many men and women of distinction, as this venerable and noble structure which appropriately shelters the priceless collections of the State Museum and of the Historical Society of New Mexico. Of martyrs who shed their blood for the Cross, New Mexico had more than all the other states of the Union together, and of heroes who faced death unflinchingly, not only on battlefield but from ambush and the assassin's fury, it has a notable host.

The last of the chief executives of New Mexico to be assassinated was Charles Bent, scholar, soldier, frontiersman, trader, and statesman.

For a few brief months in 1846 and 1847 he was governor of New Mexico, the climax of an eventful life, and he exercised sovereignty not yet limited by legislative acts but derived from unlimited military power. New Mexico at that time included not only the present domain so named, but what is now Arizona, southern Colorado, and western Oklahoma and Texas. The boundaries to north and east were somewhat undetermined but the area included was

greater than that of the old German Empire. In actuality, however, the arm of the civil power hardly extended beyond the valleys of the Rio Grande and the Pecos and their tributaries, within a hundred miles of Santa Fé, and even the right to this was questioned in the United States congress, as well as by the courts. Years before, Bent had cast his lot with the people of New Mexico, had established residence in Santa Fé and Taos, had married the daughter of a distinguished Taos family and reared his children in the language and the ways of the people of whom he had become one and who loved and trusted him.

Charles Bent was born in Virginia in 1797, the last year of the administration of George Washington. Silas Bent, the father of Charles, was a New Englander, a son of Massachusetts and of English ancestry. The elder Bent was admitted to the practice of law when only twenty years old, nine years before his son Charles was born. Possessed of the pioneering spirit, the father went to the newly opened territory of Ohio, locating near Marietta, and thence moved to Virginia. There he married Martha Kerr, said to have been of German and French ancestry. Although honored with official positions by his neighbors, Silas Bent again surrendered to the lure of the West and accepted the position of chief deputy surveyor for what was known as upper Louisiana, which embraced everything of the Louisiana Purchase north of the Arkansas and west of the Mississippi. He made St. Louis his official headquarters in 1804. Three years later, he became the first judge of the court of common pleas, and in 1808 was made auditor of public accounts. In 1809, he was appointed presiding judge of the St. Louis court, and from 1813 until the admission of Missouri as a state, was chief justice of the territory. He continued in official life until his death in 1827.

It is as one of a family of eleven children that Charles Bent was reared. He was given every educational advantage of the time, finally graduating from West Point Military Academy, but he resigned from the army to engage in

the Santa Fé trade. As early as 1823, we learn of the Bent brothers as employed by the American Fur Company in the Sioux country, and in 1827, as forming a partnership with Cerán St. Vrain. The year before, Charles, William, Robert, and George Bent had built a stockade on the Arkansas (half way between the present Canyon City and Pueblo, Colorado), St. Vrain joining them in this enterprise. It was on the north bank of the river and consisted of long stakes driven into the ground and roofed over, serving as a trading post. In 1828, the Bent brothers moved to a point twelve miles northeast of the present town of Las Animas, Colorado, and began the construction of a much larger and stronger fort, but not completing it until four years later. During that time, it is thought, they lived in tents of skins like the Indians. The fort became known as Fort William or Fort Bent and it was for decades the largest and most important frontier post ever erected by private enterprise in the United States. It was built by workmen from Taos and measured 180 feet in length and 135 feet in width. The material of which it was constructed was adobe, large bricks being used, in size, shape, and material, reminding one in certain respects of the Palace of the Governors at Santa Fé. The fort was built around a patio or placita upon which all the rooms opened. The outside walls were four feet thick and fifteen feet high, being broken only by loop holes for defense by musketry. There were no doors or windows, entrance being by the staunch gateway at the eastern front. At the southeast and northwest corners rose hexagonal bastions or towers, each thirty feet high and having an interior diameter of ten feet. Cannon were mounted in these towers. Over the gateway was a square tower surmounted by a belfry. In this tower was a bed and a chair. There were lookouts on all four sides and watch was kept day and night. Mounted on a pivot was an old-fashioned telescope which commanded a far view of every approach to the fort.

The structure combined the nature of a fortress with that of a storehouse, trading post, and guest house. At cer-

tain seasons, the quantity of furs, skins, and pelts stored in it was enormous. At all times of the year, up to its destruction in 1852, it entertained hunters, trappers, traders, adventurers, and travelers of all sorts, as well as Indians of various tribes. Here hereditary enemies forgot their enmities and met on equal footing in peaceful trade or intercourse. Here the armies under Kearny and Doniphan had their rendezvous on August 1, 1846, and started on their historic march to Las Vegas, Santa Fé, Chihuahua, and to the Pacific.

It was upon the completion of the fort that Charles Bent went to Santa Fé and Taos where he married María Ignacia Jaramillo, sister of Josefa, the wife of Kit Carson and daughter of Don Francisco Jaramillo. There Bent lived in an adobe house on the north side of the first street which runs east and west north of the Plaza, the house in which fifteen years later he was assassinated. Of the brothers of Carlos Bent, John was a well-known lawyer of St. Louis; another brother, Silas (named after his father) was with Commodore Perry's expedition which opened Japan to American trade. A sister, Julia, was the wife of Governor L. W. Boggs of Missouri. His brother William remained associated in the fur trade and outlived Carlos by many years. In 1852, dissatisfied with the terms offered him by the United States government, he burned the combustible portion of Fort Bent and blew up the walls with gun powder.

Upon being appointed civil governor under the military regime, Carlos Bent took up his residence in the Palace of the Governors at Santa Fé. Although New Mexico was occupied by the invading American army, it had not yet been ceded to the United States by the treaty of Guadalupe Hidalgo, and the sudden change in laws and their administration was not accepted by the people without opposition. The new officers, appointed on the same day that the Kearny Code was promulgated as the new law of the land, faced a difficult situation. Only three days after their appoint-

ment, General Kearny left Santa Fé on his memorable conquest of California, and a month later, Colonel Doniphan departed with a large part of the troops on his even more remarkable march to Brazito, Sacramento, Chihuahua, and Saltillo.

Governor Bent acted with tact, prudence, and cordiality. The Palace of the Governors was again made the social center of the vast domain over which he exercised authority. There were official receptions, dances, and plays. The old reception room and the salon in back of it were frequently scenes of gay hospitality. The soldiers organized a dramatic society which gave the plays of "Pizarro" and "Bombastes Furioso." The night after Christmas, Governor Bent was host at a baile in which the leading families of the commonwealth were guests.

Contrary to current belief, the people of New Mexico did not submit meekly to the invaders. They resisted bravely with the weak means and resources at their command. There were bloody clashes with the new authorities, and in many ways it is as thrilling a story as is recorded anywhere in American annals. Writes one historian:

> Affairs in Santa Fe, under Charles Bent as civil governor, and Sterling Price as military governor, were peaceful, but rumors of plans for a revolt existed prior to December, 1846. Complaints against volunteers in Santa Fe were common. They disliked the country, its people and the inactivity of their military life. Ruxton, an English traveler, stated that the crowds of dirty, rowdy, drunken volunteers filled the streets. There were those who believed that the conspiracies for the overthrow of the control established by the United States were in a large part due to the insolence of the soldiers. The Battle of Brazito ended the hope among some of the leading New Mexicans of assistance from the south. The placing of detachments of soldiers at Albuquerque, Cebolleta, on the Navajo frontier, and at Mora, was the beginning of the system of military posts established by the United States. This was done for the protection of the Rio Grande population from the nomadic Indians, and for the protection of the traders and emigrants.

. . . In December, a plot for the expulsion of the United States was planned by some of the Mexican leaders who had opposed Manuel Armijo's policy of surrender. The plan as originally formulated provided for an attack upon Santa Fe on December 19, but the date was postponed until midnight of December 24. The Santa Fe force was to be gathered in the parish church and people from the surrounding country were to be lodged in the houses of those favorable to the uprising. At a meeting held on December 15, at the home of Tomás Ortiz, he was chosen governor, and Diego Archuleta, chief military officer. Among those who were suspected of being connected with the conspiracy were: Miguel Pino, Nicolás Pino, Juan Felipe Ortiz, Antonio José Martínez, Father Leyba, Antonio Ortiz, Facundo Pino, José María Sanchez, Santiago Martínez, Pascual Martínez, Antonio Trujillo, and Agustín Durán. Governor Bent reported that he received information concerning the plot on December 17, that seven of the minor leaders had been made prisoners, that Tomas Ortiz and Diego Archuleta were being pursued, and that the revolt was limited to the four northern counties, that is, Santa Fe, San Miguel, Taos, and Rio Arriba. The news of the plot had been brought to Governor Bent by the secretary of the civil government, Donaciano Vigil. The evidence of the plans was so slight that no convictions were secured and no one was punished for the plot.

It was about this time that Jose Francisco Perea returned to Santa Fé and has left us the following interesting account of existing conditions as he found them:

While the Plaza and surroundings, to a considerable degree, appeared as I had seen them during the winter of the years 1837 and 1838, there had been some changes worthy of being mentioned . . . The most noticeable change to me was the appearance of so many soldiers wearing United States uniforms, and well-dressed officers displaying stripes, epaulets, and shoulder straps on their clothing, and swords and other side-arms pending from their belts, insignia indicative of their several degrees of rank. Many of these were mounted upon gaily caparisoned horses, the animals meanwhile seeming to vie with their riders for their rightful share of the pageantry. . .

The buildings around the Plaza and throughout the remaining parts of the capital city, appeared pretty much

as they were in the year 1837, nine years before, when I made my first visit there in company with my parents. The custom of using the public square as a camping-place and stock corral, had, to a large extent, been abandoned. A number of cottonwood trees had been planted along the outer edge of the sidewalks and these were being nourished from a small stream of water that was being brought from the Santa Fe river. These few changes for the better, I learned, were brought about largely through the civic endeavors of the late Colonel Manuel Chavez and Secretary Donaciano Vigil, the latter having been instrumental in the promotion of some other valuable improvements in the cleaning and beautifying of some of the streets. The church on the south side of the Plaza, known as La Castrense, and sometimes called La Yglesia de los Soldados (Military Church) had been abandoned and was then fast falling into ruins, a part of the roof already having fallen in; however one of the two marble slabs, on which was beautifully carved a representation of Nuestra Señora de la Luz (our Lady of Light), was still in place, the other slab on which was represented, equally as beautiful, Santa Gertrudes wrapped in the coils of a large serpent, had disappeared. Some of the interior ornaments were still intact, but many of them, being exposed to the corroding influences of the elements, were rapidly going to decay. The private chapel on the west side, known in the year 1837 as La Capilla de Don Juan Vigil, had been discontinued as a house of worship. Many people were then worshiping in La Yglesia de la Paroquia, where is now the cathedral and the bishop's palace.

The garita still remained in just about the same condition it was when I had seen it last in the spring of the year 1838; in fact it was beginning to show some signs of decay, but not to that degree of the Military Church. The summary execution of four malcontents, leaders in the Chimayo Rebellion of the year before, following the peremptory order of General Armijo, had so terrified all would-be revolutionists, and some others that might be criminally inclined in other directions, as to put the garita almost, if not entirely, out of use as a place where human lives were to be taken. It could still be used as an armory and watch tower, but it had lost its potency as a place of execution for criminals. After the arrival of General Kearny's army, no further use of the antiquated building was attempted.

Previous to the American Occupation many Santa Feans had depended largely upon the incoming of the annual caravans from the States, bearing their consignments of merchandise, to flush up the lagging stagnation that had followed those of the previous year; for, very soon after the arrival of these trains, duties must be paid to the customs officials, teamsters were to be paid, and the merchandise sold to the retail dealers. For a time, therefore, ready money was quite plentifully distributed. Now the custom house had been closed forever; notwithstanding, money was very plentiful in the capital city when we were there. A paymaster had but recently arrived, having come over the Santa Fe Trail in company with a small detachment of volunteers, and had paid the garrison, it being probably the first payment since their enlistment, as the men were volunteers quite recently recruited and mustered into service from their homes in Missouri. Large sums of money were also paid for labor and material used in the construction of Fort Marcy, which was then being built; and other large sums were being paid for hay and grain delivered to the quartermaster, for the many horses and mules employed by the army; and still other sums were being paid for meat, flour, and other supplies furnished the commissary for the use of the garrison stationed there. Money was then, perhaps, more plentifully distributed in and about Santa Fe, than at any other time in its long history. Every man that wished to be employed had some sort of occupation, for which he was being regularly paid. The possession of more or less money by so many seemed to have promoted a passion for gambling; a sort of maniacal desire to obtain something of value, by some kind of game of chance, and without yielding its equivalent in return. And for this reason saloons, gambling dens, and dance halls remained open day and night, seven days in the week. The rattling of the roulette wheels, the clinking of the red, white and blue "chips" used for counting in the various games of chance; the prompter's sonorous "calls", all poured their commingled sounds into one's ears continually. A large section of pandemonium seemed to have been but recently planted there, and was not lacking in the company of those devoted to its promotion. There was then no restraining power whereby these monster evils might be even partially checked and shorn of their blighting influences on society.

I have stated that all seemed to be employed in one way or another, and that money was being plentifully circulated among the people; and, judging from appearances, all seemed to be satisfied with the condition then existing since the "American Occupation." It appeared that no one in authority had taken the precaution of inquiring whether there might not be some sparks of discontent lodged in the breasts of some of the leading men of the capital city, and probably in some others residing in other parts of the Territory; and, if there were such evidences of discontent, might not these smouldering embers be easily fanned into a violent flame, provided the civil and military authorities both still continued their inactivity in that direction. However, near the end of the year vague rumors began to be circulated about the capital, that an uprising against the garrison was probably then in contemplation. These reports were immediately carried to the proper officials, who promptly ordered an investigation, the conclusion of which revealed the truth of the reports and also the names of several prominent individuals connected with the rebellion, one of whom aspired to be a military leader, while another expected to be appointed governor of the Territory. These leaders, on finding their treachery had been revealed, immediately fled to Mexico.

James Josiah Webb gives us an interesting word picture of conditions in Santa Fé just prior to the American occupation, at the same time referring to Charles Bent and his business relations:

My first arrival in Santa Fe was in October after a journey of seventy days, which at that time was not considered a specially long trip. My first impressions I can but imperfectly describe after the lapse of so long a time, but I well remember that there was nothing to induce me to entertain a desire to become a resident or to continue in the trade except as an adventurer and the possible advantages the trade might afford of bettering my fortune. The people were nearly all in extreme poverty and there were absolutely none who could be classed as wealthy except by comparison. The Pinos and Ortizes were considered the *Ricos,* and those most respected as leaders in society and political influence; but idleness, gambling, and the Indians have made such inroads upon their means and influence that there was but little left except the reputation of honorable

descent from a wealthy and distinguished ancestry. The houses were nearly all old and dilapidated, the streets narrow and filthy, and the people when in best attire, not half dressed. And even those who could occasionally afford a new and expensive dress, would make it up in such a way that it would appear extravagantly ridiculous.

There were but a very few houses north of the Palace on the street now called Palace avenue. Don Agustin Duran, Don Felix Garcia, Don Antonio Sena y Baca, and James Conklin and one or two others lived not far from where the Presbyterian Church now stands and had quite grand houses for the time; and some of them had two or three acres cultivated in corn, beans and red peppers, and a few apricot trees, the only fruit then raised in the town. There were three residences on Palace avenue, extending from the corner of Washington street towards the Cienaga, in one of which we quartered for a few days, when we first arrived, and where I afterwards lived a year with my family, owned by Don Juan Sena. The northeast corner of the plaza was the government warehouse to store our goods while being examined by the custom-house officers. From thence south was nearly all government offices, except the southeast corner, which was a store occupied by Don Juan Sena as agent of Don Jose Chavez. This was the second best store in town, and floored with plank—the only plank floor in New Mexico, except a store in Taos, and I think, perhaps Mr. Simeon Turley, at Turley's Mill, had one or two rooms floored with plank. On the southeast corner was the residence of one of the Pinos and only one or two stores, till you came to the corner of the street leading to Rio Chiquito, where there was a store about fifteen feet square which was rented and occupied by Messrs. Leitensdorfer and Company, with several back rooms for storage and housekeeping.

There was an old church about the center of the block on the south side of the plaza which had not been occupied as a place of worship for many years, and after the organization of the Territorial government, it was opened by the authorities and fitted up for a courthouse. When it was nearly finished and ready for occupancy, the claim was set up that it was Church property, and it was a sacrilege to devote it to such a purpose.

And with due regard for the delicacy of their feelings, and in obediance to the demands of Bishop Lamy the plan

was abandoned, and the property turned over to the Church. It was shortly after sold to Don Simon Delgado and fitted up for a store, where he kept an assorted stock of dry goods, groceries, and liquors, and disposed of them for cash, as he found customers among the poor or needy. I presume the bones rest in peace and quiet, as the transfer was made to the Church for a valuable consideration instead of being appropriated by the government and devoted to secular uses.

The West side of the plaza was nearly all residences. Near the center was the post-office, where a mail sometimes arrived from the south, and also the estangillo where the government sold a limited amount of cigars and tobacco. There were but few houses on the loma south of the river. The principal one was owned and occupied by "Old Taosenian"; and he used to give a fandango once or more a week, according to the number of strangers visiting the city and the demand for amusement.

A Mexican Fandango in those days was a curiosity. The Sala, or dancing hall, was from twenty to thirty feet long, and fifteen to eighteen feet wide, with sometimes benches on the sides and packed full, only leaving sufficient space through the center for the couples to waltz through, up and down. When the dance began, the men would place themselves in line on one side, and when the line was complete, the women would begin to rise and take their positions opposite the men, almost always in regular order without manifesting any choice of partners; and when the numbers were equal, the music would strike up and the dance proceed. On one occasion I saw at a ball given by Governor Armijo an old man of 80 or over dancing with a child not over 8 or 10. They do literally dance from the cradle to the grave and I have never seen anything lascivious or want of decorum and self-respect to any woman in a fandango. I have known of disorders and serious brawls in fandangos, but it was almost invariably where Americans and whiskey were found in profusion.

The day after our arrival the ox teams of nearly all the train were sold to Mr. Bonney, who followed us in from the crossing of Mora river for the purpose of buying or taking them to the prairie to herd. Several of us preferred to sell rather than take the risk of having them herded through the winter. We sold our oxen for seven dollars a yoke, and

Mr. Scolly loaned Bonney the money to pay for most of them.

After about a week we were permitted to withdraw our goods from the customhouse but were not permitted to sell at retail. The change of administration and the apprehension of the Mexicans that there would be a demand for forced loans, impaired confidence to such an extent that those able to buy and willing to do so ordinarily chose rather to plead poverty, and would only buy in limited quantities and on credit for fear of exciting the cupidity of the new governor. We were consequently compelled to store our goods and wait for something to turn up.

A look at the resources of the country was not encouraging. The only products beyond the immediate needs of the people, were wool, a few furs, a very few deerskins, and the products of the gold mines, which did not amount to more than $200,000 a year when in bonanza, and very seldom to anything near that amount. Another resource of the country was from the proceeds of sheep driven to the low country in large flocks (amounting to from 50,000 to 100,000 a year), the proceeds from which would be in the hands of a very few of the "ricos".

The system of peonage, or voluntary servitude, was a fixed institution. The wages of the laborers was only from three to six dollars a month, and a ration to the laborer only. From this he would have to support his family and pay the dues to the priest for marrying, baptizing, and burial of seven dollars and upwards, according to the ability and ambition of the individual desiring the services. As a consequence the poor were extremely so, and without hope of bettering their condition. . .

The Americans were all (with the exception of Wethered and Caldwell, who had got a corner on the Santa Fe trade) much disappointed in the expectation of realizing large profits. They had expected an unusually good trade, as the Mexicans had been deterred from going to "the States" for goods by apprehensions of privateers from Texas preying upon the "commerce of the prairies" under the plea of war between the two nations; and also by the apprehensions of robbers from the frontier, as the proprietor of one train had been murdered and the train robbed by Dr. Prefontaine and his gang from Westport, Missouri, the year previous. But the order prohibiting retailing in Santa Fe, and the losses of teams and consequent delay

largely increased the expenses of the Chihuahua traders and left but a small margin of profits. I think the traders had some hand in deterring the Mexicans from going in for goods by exaggerating the danger and reporting rumors of a large expedition from Texas being organized for the purpose of making a raid upon the prairies and taking every Mexican train that should attempt to cross the plains that year. I am led to this belief by the knowledge of such a report being started at a meeting of the traders at the rooms of Leitensdorfer and Company after the arrival of Speyer and Connelly with their trains. Their house was the headquarters for all American traders for social and business conversation, and for plans for promoting their general interests.

Mr. Charles Bent arrived from the fort about this time and reported that Colonel Warfield had been there that fall and assured him that there would be a large body of Texas rangers on the plains, and that all trains which could be identified with Mexican interests by any evidence real or presumptive would be taken, regardless of any claims of proprietorship; and as Leitensdorfer was a long time resident of the country and from his intimate and confidential relations with the Mexicans, it would be very risky even for him to bring but a limited amount, as it was known that his means were limited, and if he should attempt to bring more than five or six wagons, it would be considered as sufficient evidence that he was allowing the use of his name to cover Mexican interests.

Governor Bent, in addition to the manifold duties as the first civil governor of New Mexico under military occupation, also had the job of looking after Indian welfare. He made the following report on conditions as he found them:

Sir: Having been appointed by Brigadier General Kearny governor of the Territory of New Mexico, and by virtue of that appointment ex officio superintendent of Indian affairs for said Territory, it becomes my duty to lay before you the following information in regard to the different tribes of Indians inhabiting and frequenting this Territory:

*First.* I will mention the Apaches or Jicarillas, a band of about 100 lodges, or 500 souls. The Jicarillas have no per-

manent residence, but roam through the northern settlements of New Mexico. They are an indolent and cowardly people, living principally by thefts committed on the Mexicans, there being but little game in the country through which they range, and their fear of other Indians not permitting them to venture on the plains for buffalo. Their only attempt at manufacture is a species of potter's ware, capable of tolerable resistance to fire, and much used by them and the Mexicans for culinary purposes. This they barter with the Mexicans for the necessaries of life, but in such small quantities as scarcely to deserve the name of traffic. The predatory habits of these Indians render them a great annoyance to the New Mexicans.

*Second.* The Apaches proper, who range through the southern portion of this Territory through the country of the Rio del Norte, and its tributaries, and westward about the headwaters of the river Gila, are a warlike people, numbering about 900 lodges and from 5,000 to 6,000 souls; know nothing of agriculture or manufactures of any description, but live almost entirely by plundering the Mexican settlements. For many years past they have been in the habit of committing constant depredations upon the lives and property of the inhabitants of this and the adjoining provinces, from which they have carried off an incredible amount of stock of all kinds. The only article of food that grows in their general range is the maguey plant, and that spontaneously and in very small quantities. Several bands of the Apaches have for some years past received a bounty of so much per head per diem from the government of the State of Chihuahua, with the object of inducing the Indians to cease their depredations, but without having the desired effect.

*Third.* The Navajoes are an industrious, intelligent, and warlike tribe of Indians who cultivate the soil and raise sufficient grain and fruits of various kinds for their own consumption. They are the owners of large flocks and herds of cattle, sheep, horses, mules and asses. It is estimated that the tribe possesses 30,000 head of horned cattle, 500,000 head of horses, mules, and asses, it not being a rare instance for one individual to possess 5,000 to 10,000 sheep, and 400 to 500 head of other stock. Their horses and sheep are said to be greatly superior to those raised by the New Mexicans. A large portion of their stock has been acquired

by marauding expeditions against the settlements of this territory. They manufacture excellent coarse blankets and coarse woolen goods for wearing apparel. They have no permanent villages or places of residence, but roam over the country between the river San Juan on the north and the waters of the Gila on the south. The country between these two rivers is about 150 miles wide, consisting of high table mountains, difficult of access, and affording them as yet effectual protection against their enemies. Water is scarce and difficult to be found by those not acquainted with the country, affording another natural safeguard against invasion. Their numbers are variously estimated from 1,000 to 2,000 families or from 7,000 to 14,000 souls. The Navajoes, so far as I am informed, are the only Indians on the continent having intercourse with white men, that are increasing in numbers. They have in their possession many prisoners, men, women, and children taken from the settlements of this Territory, whom they hold and treat as slaves.

*Fourth.* The Moques are neighbors of the Navajoes, and live in permanent villages, cultivate grain and fruits, and raise all the varieties of stock. They were formerly a very numerous people, the possessors of large flocks and herds, but have been reduced in numbers and possessions by their more warlike neighbors and enemies, the Navajoes. The Moques are an intelligent and industrious people; their manufactures are the same as those of the Navajoes. They number about 350 families or about 2,450 souls.

*Fifth.* The Utahs inhabit the country north of the Navajoes, and west of the northern settlements of this Territory. They number 800 lodges, and about 4,000 to 5,000 souls. Their range extends from the Navajo country, in about latitude 35 to 40 north. Their range of country is very mountainous and broken, abounding in deer, elk, bear and other wild game which serve them for food and raiment. They are a hardy, warlike people, subsisting by the chase. Several bands of them have been carrying on a predatory war with the New Mexicans for the last two years, and have killed and taken prisoners many of the people, and driven off large amounts of stock. Since General Kearny's arrival, these Indians have sued for peace and measures are now taking to effect a permanent treaty.

*Sixth.* The Cheyennes and Arapahoes range through the country of the Arkansas and its tributaries, to the north of

this Territory. They live almost entirely on the buffalo, and carry on a considerable trade with the Americans and Mexicans in buffalo robes for which they obtain all the necessaries not derived from the buffalo. They are a roving people, and have for many years been on friendly terms with the New Mexicans. The Arapahoes number about 400 lodges, or 2,000 souls, the Cheyennes 300 lodges, or 1,500 souls.

*Seventh.* The Comanches range east of the mountains of New Mexico—a numerous and warlike people, subsisting entirely by the chase. The different bands number in all about 2,500 lodges, or 12,000 souls. They have been at peace for many years with the New Mexicans, but have carried on an incessant and destructive war with the States of Chihuahua, Durango, and Coahuila, from which they have carried off and still hold as slaves a large number of women and children, and immense herds of horses, mules, and asses.

*Eighth.* The Cayugas[1] range through a part of the same country and are similar in habits and customs, and are considered a more brave people than the Comanches. They number about 400 lodges, or 2,000 souls.

You will perceive by the above statement that with New Mexico nearly 40,000 Indians will fall under the immediate superintendence of the United States government, and it becomes a subject of serious import how these numerous and savage tribes are to be controlled and managed.

As it becomes my duty, by virtue of my office, to lay before you all the information I possess in regard to these tribes of Indians, I will also venture to make a few suggestions for your consideration.

Agents and sub-agents are absolutely necessary for the regulation and control of the various tribes of Indians above named.

A very desirable effect might be produced upon these Indians by sending a delegation from each tribe to Washington. They have no idea at this time of the power of the United States, and have been so long in the habit of waging war and committing depredations against the Mexicans with impunity, that they still show a disposition to continue the same kind of warfare, now that the Territory is in possession of the United States. I am convinced that a visit

1. Possibly a misprint for Caygnas. The Kiowas are meant.

to our capital by some of the principal men of each of these nations would secure future peace and quiet to the inhabitants of this Territory.

I would also suggest the propriety of sending with this delegation of uncivilized Indians a delegation from the Pueblos, or civilized Indians, who are by law citizens of this Territory and of the United States. They compose a very considerable portion of the population of New Mexico, and if excited so to do might cause a good deal of difficulty. A small expenditure by the government in this manner now, might be the means of avoiding bloodshed hereafter.

You are doubtless aware that presents of goods are indispensable in all friendly communications with Indians. I would respectfully suggest the necessity of goods of that kind, or the means wherewith to purchase them, being placed at the disposal of the superintendent of Indian affairs for this Territory.

I deem it highly necessary to establish stockade forts in the Utah and Navajo countries, with sufficient troops to keep these Indians in check, and from continuing their long-accustomed inroads in this Territory. One should also be established at some suitable point on the Arkansas river, for the purpose of protecting travellers between this Territory and Missouri and the settlements that may be extended in that direction from the Indians of that vicinity. Another establishment of the kind will be required in the southern part of this territory, to serve as a safeguard against both the Apaches and Mexicans on the frontiers of the adjoining Mexican States, who, it may be confidently expected will continue to make inroads on this Territory from that quarter for many years to come.

I neglected to mention, in the proper place, that Colonel A. W. Doniphan received orders from General Kearny, before leaving the territory for California, to march his regiment against the Navajoes. Overtures of peace had been made to them without effect—they have continued their depredations up to this time. General Kearny, after leaving Santa Fe, wrote to me, advising that full permission should be given to the citizens of New Mexico to march in independent companies against these Indians for the purpose of making reprisals and for the recovery of property and prisoners. Colonel Doniphan left here a few days ago with his command for the Navajo country, and I feel confident that with the aid of the auxiliary war parties, he will soon compel the

nation to sue for peace and to make restitution of property and prisoners taken since the entrance of the American forces on the 18th August last. The existing laws of the United States regulating trade and intercourse with the Indians are doubtless amply sufficient as applied to the Indians referred to in this communication; and, at your earliest convenience, I earnestly solicit your full and particular instructions in reference to the application of these laws in the regulation of the various Indian tribes above mentioned. By so doing you will greatly oblige your truly obedient servant.—CHARLES BENT.

After the departure of General Kearny on his march to California and of Colonel Doniphan for the Battle of Brazito, Colonel Sterling Price, left in command at Santa Fé, further depleted the garrison by dispatching Major Gilpin and two hundred men to the Navajo country by way of Abiquiú, across the Continental Divide, down the San Juan to the Little Colorado. Captain John W. Reid with only thirty men, made a brilliant dash into the heart of the Navajo region. After a campaign of only six weeks, the Navajo chiefs at Bear Spring agreed to a treaty of peace. Sarcillo Largo, a young chief, expressed gratification but is quoted as saying:

Americans! You have a strange case of war against the Navajos. We have waged war against the Mexicans for many years. We have plundered their villages, killed many of their people and have taken many prisoners. Our cause was just. You have lately commenced war against the same people. You are powerful. You have great guns and many brave soldiers. You have therefore conquered them, the very thing we have been attempting to do for many years. You now turn upon us for attempting to do what you have done yourselves. We cannot see why you have cause to quarrel with us for fighting the Mexicans on the west, while you do the same thing on the east. Look how matters stand! This is our war. We have more right to complain of you for interfering in our war than you have to quarrel with us for continuing a war we had begun long before you got here. If you will act justly you will allow us to settle our own differences.

In any event, the Navajos were not finally subdued until Kit Carson, brother-in-law of Charles Bent, almost two decades later, during another great war, that of the North with the South, inflicted stinging defeat and exiled them to the Bosque Redondo Reservation.

Governor Bent, prior to the American Occupation, had acquired extensive landed interests, being the owner of one-sixteenth of the Beaubien and Miranda ( later the Maxwell) grant, one-sixteenth of the Las Animas grant, and a fractional interest in the Sangre de Cristo grant. At the outbreak of the war with the United States, he was taken prisoner, while going home from his place of business in Santa Fé and a heavy ransom was demanded for his release. To avoid deportation to Mexico with which he was threatened, he sent a messenger to his wife at Taos. She dug from under the adobe floors of the Bent house, gold to the value of seven thousand dollars and sent it to Governor Manuel Armijo at Santa Fé who thereupon released Bent. This would indicate that Bent had not only become possessed of lands, merchandise, and business concessions, but that he also commanded considerable wealth in ready cash. That this made him the object of envy, is certain, although on the other hand, he possessed considerable popularity among the Mexican as well as the American population, among the civil officials as well as the military invaders. He had studied medicine and was often called upon to attend those who were ill although he never practiced for pay. At one time, he performed an operation which astounded surgeons who heard of it. He removed a portion of the intestines of a sick, native woman, cleansed the interior walls of the abdomen, replaced the remaining intestines and sewed up the incision. The woman recovered.

While the plotters against the new government at Santa Fé had been foiled, mainly through the loyalty and watchfulness of the secretary of the territory, Donaciano Vigil, the only official who had been retained by the Americans from the Armijo regime, there is no doubt that Padre

Antonio José Martinez and Padre Lucero continued to appeal to the patriotism of the Mexican people and their leaders. That Governor Bent had an inkling of this is apparent from the following proclamation, which he issued at Santa Fé on January 8, 1847, the week before he left for Taos to get his family so that they could live with him in the Palace of the Governors at the Capital:

Citizens: A combination of extraordinary ideas rush to my mind to furnish me material wherewith to address you for the first time. I shall not make use of eloquent or sublime language in order to make myself understood: truth is self-convincing and needs not the aid of rhetoric to set it forth.

In the year 1829 I came for the first time to this country. Since I became acquainted with it, your frank and simple character has won my sympathy which with time, has been so deeply rooted that I can never part from it, and I therefore cast my fortune with your own. I am a New Mexican by adoption and to this soil are linked all my possessions, and more so today that it has been annexed to my native country, the United States of America, which is the cradle of liberty and of which you are a component part.

General S. W. Kearny took military possession of this Territory with unbounded pleasure on the 18th day of August of last year, because without using force, and without sorrow and no shedding of tears, you recognized the republican government to which you belong today. You are now governed by new statutory laws and you also have the free government which he promised you in his proclamation. Do not abuse the great liberty which is vouchsafed you by it, so you may gather the abundant fruits which await you in the future. These who are blindly opposed, as well as those whose vices have made them notorious, and the ambitious persons who aspire to the best offices, also those persons who dream that mankind should bow to their whims, having become satisfied that they cannot find employment in the offices which are usually given to men of probity and honesty, exasperated, have come forth as leaders[2] of a revolution against the present government. They held a meeting in this capital about the middle of last month which was also attended by some foolish and imprudent men who were

2. Tomas Ortiz and the old revolutionist Diego Archuleta.

urged to follow the standard of rebellion. Their treason was discovered in time and smothered at its birth. Now they are wandering about and hiding from the people, but their doctrines are scattered broadcast among the people thereby causing uneasiness and they still hold to their ruinous plans.

The organic law and the statutes are the foundations upon which these anarchists lean. They say that tax on land is the aim of the present government; that it wants to impose the first and to deprive you of the latter. It is an infamous lie.

Examine the laws from beginning to end and you will not find a single page to prove such falsehood. It is true that the laws impose taxes, but only on commerce and distilleries, where liquor is distilled from corn and wheat, but not upon the people. An office has also been created for the purpose of recording the titles to the lands but this is in order to further protect your titles to your property, and not for the purpose of depriving you of the same as it has been falsely asserted by evil-minded persons. There is still another pretext with which they want to alarm you, and that is the falsehood that troops are coming from the interior in order to reconquer this country. What help could the department of Chihuahua, which is torn by factions and reduced to insignificance afford you? Certainly none.

Colonel Doniphan, who is now advancing on the town of El Paso, with his regiment, was attacked by a superior force at Brazito, but he dispersed the enemy in a few moments with the loss of thirty men. Listen, my friends, with what flimsy pretexts the turbulent element wants to deceive you. I urge you to turn a deaf ear to such false doctrines and to remain quiet, attending to your domestic affairs, so that you may enjoy under the law, all the blessings of peace, and by rallying around the government call attention to the improvements which you deem material to the advancement of the country and that by doing so you may enjoy all the prosperity which your best friend wishes you. CARLOS BENT. Santa Fe, January 8, 1847.

Bent left Santa Fé on January 14, 1847, without military escort, but accompanying him were Sheriff Stephen Lee; District Attorney J. W. Leal; Prefect and Probate Judge Cornelio Vigil, uncle of Mrs. Bent; Narciso Beaubein,

son of Judge Beaubien; and Pablo Jaramillo, brother of Mrs. Bent. Upon his arrival in Taos on January 18, the governor was urged by friends to leave immediately with his family. "Why should they want to kill me or my family?" he asked. "Have I not been their friend? Have I not supplied them with medicine when they were ill, with food when they were hungry, with clothing when they needed it? Have no fear for me, I will leave for Santa Fé with my family in my own good time."

During the night, a bitter cold one, with snow on the ground, insurrectionists from nearby plazas joined with those in Taos under the leadership of Pablo Montoya. The Indians from the pueblo, with Tomasito Romero at their head, stealthily drifted into Taos. Before daylight the discharge of firearms aroused the peacefully sleeping people, who, scantily clad, fled from their houses in the darkness. When day dawned they rallied and prepared for defense. In the meanwhile, Tomasito had pounded upon the door of Governor Bent's home. Bent without opening the door, asked: "What do you want?"

"We want your head," shouted Tomasito.

"I will give you all the money you want," temporized Bent. His ten year old son Alfredo had by that time taken a place beside his father.

"We do not want money, we want your head!" shouted Tomasito.

"Papa, let us fight like men," the boy is reported to have said, when there was a fusilade, several of the bullets piercing the door. One struck Bent in the chin, another in the stomach. The door was then broken down and the prostrate man was showered with arrows, three of which he drew from his face. As the insurrectionists were slashing his wrists and hands with their knives and axes, Buenaventura Lobato, one of the leaders, came upon the bloody scene: "I did not tell you to kill him, but only to make him prisoner." But it was too late and Governor Bent was scalped while still alive. The wife of Bent, with Mrs. Kit

Carson and Mrs. Thomas Boggs who were in the house, frantically dug a hole through an adobe wall with an iron spoon and made their way into an adjoining house. Pursued, Mrs. Carson and Mrs. Boggs fell on their knees and begged that their lives and those of Mrs. Bent and children be spared. The insurrectionists relented and the group of women and children found refuge in the house of Mrs. Juana Catalina Valdez de Lobato, where they remained for fifteen days until the arrival of troops from Santa Fé.

Pablo Jaramillo, Mrs. Bent's brother, and Narciso Beaubien, the talented son of Judge Beaubien, a graduate of Cape Girardeau, Mo., College, one of the most highly educated and promising young men of New Mexico, buried themselves under some straw at the rear of the Bent house. They were discovered by a Mexican woman, their bodies lanced through and through, and the house set on fire. Among the slain were Sheriff Louis Lee, Probate Judge and Prefect Cornelio Vigil, and Attorney J. W. Leal, who was dragged through the streets after being scalped and who suffered acutely for hours, imploring his torturers to kill him. A Mexican finally shot him to death. Stephen Lee, a brother of Louis Lee, although shot in the heel, and reported slain, walked all the way from Taos to Santa Fé after the massacre.

Let us listen to Mrs. Aloys Scheurich, a daughter of Governor Bent, an eye-witness of the Taos massacre, who later lived at Clovis with her son and was well known to old-timers. She says:

It was early in the morning and we were all in bed. We were awakened by the noise of many people crowding into the placita. My father was home from Santa Fé on a short visit and had refused military escort. The night before he was warned of danger and urged to flee but though there were several horses in the corral, he declined. He had always treated everyone fairly and honestly and he felt that all were friends. He could not believe they would turn against him. Hearing the noise he went to the door to pacify the mob yelling outside. In the adjoining room my

mother, Mrs. Carson and Mrs. Boggs who were with us, and we children, were trembling with fear. All except my brother Alfredo. He had been reared on the frontier and he took down the gun and going to my father's side said: "Papa, let us fight them!" While my father was parleying with the mob, Mrs. Carson and Mrs. Boggs, aided by an Indian woman who was a slave, dug a hole through the adobe wall which separated our house from the next. They did it with a poker and an old iron spoon. We children were first pushed through the hole, then the women crawled after us. My mother kept calling to my father to come also but for quite a while he would not. When he did try to escape he was already wounded and had been scalped. He crawled through the hole holding his bleeding head. It was too late. Some of the men came after him through the hole and others came over the roof of the house and down into the yard. They broke down the doors and rushed upon my father. He was shot many times and fell dead at our feet. The pleading sobs of my mother and the children had no power to soften the enraged Indians and Mexicans. At first they were going to take the rest of us away as prisoners but finally decided to let us be where we were. They ordered that no one should feed us and then left us alone with our great sorrow. We were without food and had no covering but our night clothes all day and the next night. The body of our father remained on the floor in a pool of blood. We were naturally frightened as we did not know how soon the miscreants might return to do us violence. At about three o'clock the next morning some of our Mexican friends stole up to the house and gave us food and clothing. That day also they took my father away to bury him. A few days later we were allowed to go to their house. Mrs. Carson and Mrs. Boggs were sheltered by a friendly old Mexican who took them to her home, disguised them as Indians and set them to grind corn on the metates in the kitchen.

The day following his assassination, the headless body of Governor Bent was buried at Taos. The American troops removed it to the Fort Marcy cemetery at Santa Fé. It was again taken up and placed in the Masonic Cemetery near the present Scottish Rite Masonic Cathedral. Later,

it was given final resting place in the National Cemetery at Santa Fé.

Mrs. Bent, née Maria Ignacia Jaramillo, daughter of Francisco and Apolonia Vigil de Jaramillo, died at Taos on April 13, 1883. The children of the couple were Alfredo, who stood by his father's side on that fateful morning, January 19, 1846, Marcia Estéfana, María Teresina, George and Virginia. The latter two died in infancy and Alfred died in young manhood. Marcia Estéfana married Alexander Hicklin, moving to St. Mary's, Huérfano County, Colorado. María Teresina married Aloys Scheurich, for many years a resident of Taos. One sister of Mrs. Bent, as stated, married Christopher Carson. Another sister, Manuela Jaramillo, married Colonel José María Valdez, who became an officer in the Union army during the Civil War. The brother, Pablo Jaramillo, who was killed during the Taos uprising, had served as a scout under his brother-in-law, Kit Carson.

Little did Kit Carson, guiding General Kearny across the Arizona desert, dream of the tragic events at Taos which his presence, and that of Cerán St. Vrain, who was in Santa Fé, might have averted.

As soon as Colonel Price learned of the massacre of Governor Bent and his retinue, word having been brought to him by a brother of the sheriff, who had lost his life with Bent, he left for Taos with a strong force.

The insurgents were assembled in force near the present village of Santa Cruz, twenty-five miles north of Santa Fé, under General Ortiz and Montoya, with a view of making an assault upon the capital. Colonel Price met them at Cañada, the enemy numbering about two thousand men. The American force consisted of four hundred and eighty men and four pieces of artillery, mountain howitzers. The insurgents were posted on both sides of the main road to Taos, occupying the hills. A sharp fire from the howitzers was directed against the enemy, but with little effect, whereupon Colonel Price ordered Captain Angney to charge the

hill, which was gallantly done, being supported by Captain St. Vrain with a company of citizen soldiers. The conflict continued until sundown. The American loss was two killed and seven wounded. The insurgent loss was thirty-six killed and forty-five taken prisoners. The insurgents retreated toward Taos. The enemy was hotly pursued by Price and was again encountered at Embudo, where he was discovered in the piñon and cedar thickets which lined the road-side. A charge was ordered and was made by three companies under Captain Burgwin and Captain St. Vrain and Lieutenant White, resulting in the total rout of the insurgents.

The march was resumed the following day and no opposition was had until the third of February, at which time Price arrived at the Pueblo of Taos, where he found the insurgents strongly fortified. A few rounds were fired by the artillery that evening but was soon discontinued on account of its ineffectiveness.

General Price gives a vivid description of the battle of Taos, as follows:

Posting the dragoons under Captain Burgwin about two hundred and sixty yards from the western flank of the church, I ordered the mounted men under Captains St. Vrain and Slack to a position on the opposite side of the town, whence they could discover and intercept any fugitives who might attempt to escape toward the mountains or in the direction of San Fernando. The residue of the troops took ground about three hundred yards from the north wall. Here too, Lieutenant Dyer established himself with the six-pounder and two howitzers, while Lieutenant Hassendaubel, of Major Clark's battalion, remained with Captain Burgwin, in command of two howitzers. By this arrangement a cross fire was obtained, sweeping the front and eastern flank of the church. All these arrangements being made, the batteries opened upon the town at nine o'clock a. m. At eleven o'clock, finding it impossible to breach the walls of the church with the six-pounders and the howitzers, I determined to storm the building. At a signal Captain Burgwin, at the head of his own company and that of Captain McMillin, charged the western flank of the

church, while Captain Angney, and Captain Barber and Lieutenant Boon, charged the northern wall. As soon as the troops above mentioned had established themselves under the western wall of the church, axes were used in the attempt to breach it, and a temporary ladder having been made, the roof was fired. About this time Captain Burgwin, at the head of a small party, left the cover afforded by the flank of the church, and, penetrating into the corral in front of that building, endeavored to force the door. In this exposed situation Captain Burgwin received a severe wound, which deprived me of his valuable services and of which he died on the 7th instant. Lieutenants McIlvane, First United States Dragoons, and Royall and Lachland, Second Regiment Volunteers, accompanied Captain Burgwin into the corral, but the attempt on the church door proved fruitless, and they were compelled to retire behind the wall. In the meantime small holes had been cut in the western wall, and shells were thrown in by hand doing good execution. The six-pounder was now brought around by Lieutenant Wilson, who, at a distance of two hundred yards poured a heavy fire of grape into the town. The enemy, during all this time, kept up a destructive fire upon our troops. About half-past three o'clock the six-pounder was run up within sixty yards of the church, and after ten rounds, one of the holes which had been cut with the axes was widened into a practicable breach. The storming party, among whom were Lieutenant Dyer, of the Ordnance, and Lieutenants Wilson and Taylor, First Dragoons, entered and took possession of the church without opposition. The interior was filled with dense smoke, but for which circumstances our storming party would have suffered great loss. A few of the enemy were seen in the gallery where an open door admitted the air, but they retired without firing a gun. The troops left to support the battery on the north side were now ordered to charge on that side.

The enemy then abandoned the western part of the town. Many took refuge in the large houses on the east, while others endeavored to escape to the mountains. These latter were pursued by the mounted men under Captains Slack and St. Vrain, who killed fifty-one of them, only two or three men escaping. It was now night, and our troops were quietly quartered in the house which the enemy had abandoned. On the next morning the enemy sued for peace,

and, thinking the severe loss they had sustained would prove a salutary lesson, I granted their supplication on the condition that they should deliver up to me Tomas, one of their principal men, who had instigated and been actively engaged in the murder of Governor Bent and others.

After the battle the leading spirits in the insurrection were captured and placed in prison awaiting trial, but a dragoon, named Fitzgerald, shot Tomasito, killing him instantly. On the 6th, Montoya, who had styled himself the "Santa Ana of the North", was tried by court-martial and sentenced to be hung, which was done along with fourteen others in the presence of the army.

Immediately after the killing of Governor Bent, news of the fact was brought to Captain Hendley, who was in command of a detachment of the army on the Pecos river. He learned that the insurgent forces were gathering near Las Vegas. In a short time he was joined by various detachments of the army and occupied Las Vegas. Leaving the greater part of his force there, Captain Hendley, with 80 men, started for Mora, where he learned that the insurgents had gathered a force of two hundred men. He arrived at Mora on the 25th of January, 1847. A general engagement ensued, the insurgents retreating and firing from windows in the houses of the village. A large body of insurgents had taken possession of an old fort and commenced to fire upon the Americans. Hendley charged the fort and was in possession of a small apartment, and was making ready to fire it, when he was struck by a ball from an adjoining room and died instantly. The Americans, having no artillery, retired with a loss of one killed and three wounded. On the first of February, the death of Hendley as well as that of Messrs. Waldo, Noyes, Culver, and others was avenged by Captain Morin and his men by the complete demolition of Mora.

In June, 1847, at Las Vegas, Lieutenant Brown and three men were killed. Major Edmonson attacked the town. Twelve of the insurgents were killed and fifty prisoners were sent to Santa Fé. The following month, Lieutenant

Larkin and five men were killed at La Ciénega, near Taos, the entire detachment consisting of 31 men. The last important skirmish was with Manuel Cortez and some four hundred insurrectionists at Anton Chico in which several men were slain and fifty prisoners taken by the Americans. This ended the insurrection and quiet and order were restored, although plotting against U. S. sovereignty continued for some ten years.

Donaciano Vigil succeeded Bent as governor. Court martials in Santa Fé resulted in the execution of thirty insurgents, while a large number were flogged and then set at liberty. U. S. Attorney Blair vigorously prosecuted those who had instigated the insurrection, but many of the prisoners were discharged for want of testimony sufficient to indict them for treason against a government of which they were not citizens. Antonio Maria Trujillo, however, was found guilty of treason and sentenced to be hanged. But Governor Vigil, at the request of the President of the United States, pardoned him.

Not so fortunate were sixteen tried at Taos, found guilty and hanged, one on a charge of treason and the rest for murder. Present at the trial in Taos were William and George Bent, brothers of the murdered governor, Lucien B. Maxwell, the widow, Mrs. Charles Bent, Mrs. Kit Carson and Mrs. Boggs.[3] An eye witness described the widow: "Señora Bent was quite handsome; a few years since, she must have been a beautiful woman—good figure for her age; luxuriant raven hair, unexceptionable teeth, and brilliant dark eyes, the effect of which was heightened by a clear brunette complexion." Of Mrs. Kit Carson, the same chronicler says: "Her style of beauty was of the haughty heart-breaking kind—such as would lead a man with a glance of the eye to risk his life for one smile. * * * The dress and manners of the three ladies bespoke a greater degree of refinement than usual."

3. A curious feature of the court proceedings in Taos is that Beaubien, as judge of the northern district, presided throughout the session, although his son was one of those who had been murdered. And George Bent was foreman of the grand jury.

It is difficult to gauge the influence that Charles Bent had upon the trend of events during the seventeen years of his contact and residence in New Mexico, but his figure is one of heroic proportions in our hall of fame.

As we recall the martyrdom and suffering of those who were pathfinders, from the days of Coronado, we must realize that the troubles and inconveniences of today are but trifles compared with the hardships of the conquerors, the settlers, the pioneers and pathfinders. Providence has blessed us so abundantly, because those of olden days were willing to sacrifice not only their property but their very life for the cross and the flag of their allegiance.

The portrait of Carlos Bent in this Senate Chamber is the work of the artist Lotave, whose fine mural paintings of the cliff dwellings and magnificent scenery of New Mexico are the permanent heritage of the people of New Mexico, the gift of the late Frank Springer to the Museum of New Mexico, where they are seen and admired by tens of thousands of visitors to the Palace of the Governors each year. The artist met a tragic death at his own hand after an adventurous career. The portrait was dedicated and accepted by the State at an impressive ceremony on March 1, 1910, the day that the late William J. Mills was inaugurated as the last civil governor of the Territory of New Mexico, of which Charles Bent had been the first. Teresa Harris, granddaughter of Bent, unveiled the portrait, and there were among those present two other granddaughters of the martyred governor, Mrs. Frank C. Ellis and Mrs. Berry of Taos. The Senate Chamber was crowded and twice as many people as could gain admittance were turned away at the doors. The ceremonies were in charge of the Daughters of the American Revolution, the late Mrs. L. Bradford Prince reading the ritual. Her husband, ex-Governor Prince, who is among those who have departed, delivered the oration. The late A. B. Renehan and the late U. S. Senator Thomas B. Catron were additional speakers, and among those participating was the late Charles A. Spiess,

who had been elected president of the New Mexico Bar Association the day before. We cannot escape a sense of sadness as we survey the losses which death has inflicted upon New Mexico since that memorable day twenty-three years ago, but we do have this satisfaction that each one of us may contribute something to the upbuilding of this magnificent commonwealth and of our communities so that we repay in some degree the debt we owe to those who went before us.

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# EL PAYO DE NUEVO-MEJICO

*By* DOUGLAS C. MCMURTRIE

AMONG the very rarest extant products of the early press of New Mexico, and also among the rarest specimens of North American journalism, are two issues of a little newspaper entitled *El Payo de Nuevo-Mejico* and a copy of a prospectus for the same. These rarities, the only copies of this periodical known to exist, are in the Bancroft Library of the University of California.

At least two writers on New Mexican history have recorded the existence of *El Payo*. L. Bradford Prince, in his *Concise History of New Mexico*,[1] wrote: "On June 28, 1845, as a successor to *La Verdad*, appeared *El Payo de Nuevo Mejico*." And Lansing B. Bloom, in his monograph on "New Mexico under Mexican Administration," quoted Prince as to the beginning of *El Payo*.[2] But as neither of these authors gave any description of it, *El Payo* has remained to all intents and purposes unknown. Hence a few details about it will possibly be of interest.

The two known issues are numbers 6 and 7 of volume 1, dated August 2 and August 9, 1845. The prospectus is dated June 21, 1845, one week before what must have been the date of the first issue.[3] Each of the two issues has four pages about 8½ by 12 inches in size, with the text printed in two columns. At the bottom of the second column on the fourth page of each of the two issues is the imprint "Imprenta del Gobierno á cargo de J. M. B." The initials are interpreted in the imprint on the prospectus, which reads "Imprenta del Gobierno a cargo de Jesus Maria Baca." The typography of all three pieces is that which has been found to be characteristic of New Mexico's first printer. At the time of printing *El Payo*, Baca was still very much the same

1. Cedar Rapids: The Torch Press, 1912; the reference to *El Payo* is on p. 260.
2. *Old Santa Fe*, vol. 2, no. 3, January, 1915, p. 247.
3. The date as printed on the prospectus is actually "Julio 21 de 1845," but what seems to be a contemporary hand has changed this with a pen to read "Junio."

# EL PAYO DE NUEVO-MEJICO.

PERIODICO DEL GOBIERNO

## DEL DEPARTAMENTO

*Las suscriciones la recibe en esta Capital la imprenta. en las demas poblaciones del Departamento los secretarios de los Sres Prefectos, los de los Ayuntamientos de las cabezeras de los dos Distritos restantes del Norte y Sudeste. y en los demas pueblos del Departamento sus repectivos jueces de paz: y oportunamente se avisaré quienes las reciben fuera de él. Su precio de 18 reales adelantados por trimestres para los de adentro, y 20 reales francc de porte para. los de fuera de la Capital.*

TOM. 1.° SABADO 9 DE AGOSTO DE 1845. N. 7.°


### EMPLEADOS Y ECONOMIAS.

Las dos épocas de la guerra de independencia, la ereccion del efimero imperio, el establecimiento de la República, la adopcion del sistema federal con el sorprendente aumento de sus respectivas oficinas; el cambio de ese régimen por el central con todas sus variaciones, y la sucesion no interrumpida de asonadas y revoluciones hasta antes del memorable 6 de Diciembre de 1844. han engendrado un número inmenso è incalculable de empleados civiles y militares, así como las respectivas pensiones de retiros y montepios. tan injusta como indebidamente concedidas en su mayor parte, y que han agotado el tesoro público y todas las fuentes de la riqueza nacional Es constante y no se oye decir otra cosa: "que las rentas nacionales no alcanzan para cubrir los gastos: que son mayores las salidas que las entradas: que son muchos los empleados de todos los ramos: que en las administraciones pasadas se distribuyeron empleos sin necesidad: que muchos de esos empleados no tienen mérito y aptitud: que las contribuciones no alcanzan; y que la nacion no puede reportar tantos gravamenes "

Estas quejas y otras mas, con la espresion mas vehemente, se escuchan dia por dia en todas las clases productoras y no *consumidoras*; y aun de los beneméritos empleados y militares que la affluencia de aspirantes y favoritos ha benido a arrebatarles el pan de la boca que tienen ganado

La republica, pues, se halla en una penosa situacion, y no hay medio entre reducir ese número de empleados, ó èl que sigan gravitando sin justicia ni mérito sobre ella, y que se arruine completamente el pais, hasta el grado de que para mantener á uno de esos mozalvetes, y que no le falte su teatro &c &c, se le embargue su herramienta al artesano y al infeliz labrador sus bueyes, ó se le lance de su miserable choza.

Asi es que no queda otro arbitrio que el sistema de economias, y es tan justo, que el mas idiota padre de familia procura arreglar sus gastos segun sus entradas, y la razon le dicta disminuir el número de sus dependientes y los sueldos de estos, porque ¿quien hay que por tener muchos inútiles, quiera reducirse á la mendicidad, ó vivir en medio de escaseces y agitaciones? Con que claro es, que el número de empleados debe limitarse, como igualmente el de sus sueldos, estendiendo esta disposicion hasta suprimir algunas oficinas. Hay de estas varias, cuyas labores serian bien desempeñadas con la cuarta parte de los empleados que tiene, y no hay mas que considerar, para persuadirse de esta verdad. que la asistencia de aquellos es de muy cortas horas; que algunos dias no concurren; que hay oficinistas que permanecen mucha parte del tiempo entregados á la ociosidad La humanidad misma ganaria con una medida de supresion en empleos, porque ad[illegible] que se atacaria á la ociosidad s[illegible] gerian las artes y la agricultura, cuyo fomento estarian mejor dedicados esos brazos que permanecen en la mas vergonzosa inaccion gravando al tesoro público. y se cortaria de raiz ese espiritu de empleomania y holgazaneria, de que v[illegible]s hecho nacion otras

poor craftsman that he was in 1834, when he did the first printing in New Mexico.[4]

The imprint "Imprenta del Gobierno," and the subtitle of the paper, "Periodico del Gobierno del Departamento," show that in 1845 the press had become an organ of the government of New Mexico. No place is named in the date line of *El Payo,* but the prospectus announced that it was to be published at Santa Fé and that subscriptions would be received at the printing office there.[5] This means, of course, that the pioneer press of New Mexico, which had been at Taos in the possession of Father Antonio José Martinez (with Baca as his printer) since about 1838, had come back to Santa Fé and, at least for a time, had now been put into the service of the government.[6]

The title *El Payo* is a strange one. The Spanish word *payo* has the meaning of "yokel" or "clown," or, in more colloquial language, something like "clodhopper" or "rube." It can hardly be supposed that a government organ, even in New Mexico under Mexican administration, would choose a word with so derogatory a meaning for the title of a medium of communication with the public. It seems likely that in current New Mexican usage the word *payo* had a less offensive meaning, perhaps no harsher than "rustic" or "country fellow," used maybe with a slight tinge of irony. Perhaps "New Mexican Ruralist" might serve as a translation of *El Payo de Nuevo-Mejico.*

The prospectus of June 21, 1845, deserves attention, not only because of the naïve picture it draws of New Mexican journalism at that date, but also because of its account

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4. See Douglas C. McMurtrie, "Early Printing in New Mexico," NEW MEXICO HISTORICAL REVIEW, vol. 4, no. 4, October, 1929, pp. 373-410, for some account of Baca's work.

5. [El Payo] seguirá redactandose en esta Capital . . . " and "Las subscriciones las recibe en esta Capital la imprenta. . ."

6. The press had come back from Taos to Santa Fé early in 1844 and was used there for printing *La Verdad.*

# EL PAYO DEL NUEVO-MEXICO

# PROSPECTO.

Con este titulo seguirá redactandose en esta Capital un nuevo periódico; en lugar del que antes se publicaba con el de la Verdad; este último falleció en principios de Mayo del corriente año de resultas de una enfermedad aguda que se le comunicó por el aire fuerte que sopló del Sur de México en 29 de Noviembre del año próximo pasado, [¡gracias al memorable 6 de Diciembre que abrió una nueva época llena de prodigios y que hará por sí sola las paginas de los mas luminosos fastos Mexicanos á nivél y parangon de las demas naciones del globo...] y que apesar de los fuertes nortes llegó el estraordinario contagio a Santa Fé, en fin de Abril último; en cuyo dia nació el PAYO á resultas de un mal parto por antojo de escritor; y lo primero que habló fué lo siguiente: „jamas ha hecho tanto bien en el mundo la Verdad, como mal sus apariencias." y estas primogenitas palabras del PAYO sirvieron de vigilias en las escequias fúnebres de la difunta Verdad, cuya repentina muerte no le dió lugar para despedirse del público, ni de sus compañeros los periodistas de la República Mexicana; y por lo mismo soló pudo al tiempo de espirar articular esta inocente poesia.

De profundis clamavi
Son mis intentos;
Y de requiem eternam
Mis pensamientos.

Lo que visto por nuestro naciente escritor entre medroso y arrojado soplandole la plácida brisa dijo el PAYO

Cosa terrible es por cierto la tarea de periodista. Mientras mas nos engolfamos en este piélago insondable mayores y mas graves son las dificultades y embarazos que encontramos: de manera que sí, procediendo por un orden gradual, habiamos observado que es mas facil imponer titulo á un Periódico, que trazar su plan: y mas facil imaginar este, que formar el prospecto, hoy palpamos que la dificultad de escribir números primeros, no es ni siquiera comparable con las otras; y á tal punto llega nuestro convensimiento que no dudamos universalizar la proposicion diciendo; que las obras desde sus principios son mas dificiles que sus caratulas. Sucede en la redaccion de un periódico lo que en las constituciones de los pueblos, facil es escribir esta palabra mágica en el frontispicio de un librito y llenar la primera página con las otras todavia mas seductoras de libertad igualdad, garantias individuales y division de poderes; pero el *quid* no esta en ellas sino en los medios de hacer efectivo lo que significa, que és ó debe ser el obgeto de las páginas siguientes. Nosotros que ya comprometidos con el público tenemos que realizar nuestro prospecto, no sabemos en verdad por donde habremos de comenzar, y leyendo y releyendo nuestro papelito nos mordimos los labios sin saber que decir en nuestro primero número y mientras.... Volvamos al prospecto.

El prospecto, repite el PAYO: esa es la base, y no tengo que pensar en otra cosa sino en desemvolver los pensamientos que contenga. Las columnas de este Periódico se ocuparán: 1.° De todas las comunicaciones oficiales del Supremo Gobierno General, y las que emanen del particular del Departamento y su Honorable Asamblea, Prefecturas y Juzgados de 1.ª Instancia que merezcan la atencion y conocimiento del público, admitiendose los articulos ó comunicados remitidos por particulares ó corporaciones. ya sean de interes general ó individual, con tal que no ofendan la moral y decencia pública, y no toque á personalidades odiosas, ó impoliticas, aumentando ó disminuyendo los edictoriales segun lo permita la mas ò menos ocupacion de las columnas de este Periódico, y su redactor, segun el rubro puesto en el principio de este prospecto es, el PAYO DEL NUEVO—MEXICO; cuyo Periodico saldrá los sabados de cada semana.

Las subscriciones las recibe en esta Capital la imprenta, en las demas poblaciones del Departamento los Secretarios de los Sres. Prefectos, los de los Ayuntamientos de las cabezeras de los dos Distritos restantes del Norte y Sudeste, y en los demas pueblos del Departamento sus respectivos Jueces de Paz: y oportunamente se avisará quienes las reciben fuera de él. Su precio de 18 reales adelantados por trimestres para los de adentro, y 20 reales franco de porte para los de fuera de la Capital.

Santa Fé del N.-México Julio 21 de 1845.

*Imprenta del Gobierno a cargo de Jesus Maria Baca.*

of the end of its predecessor, the little-known *La Verdad.*[7] In free translation it is herewith presented:

EL PAYO DEL NUEVO-MEXICO[8]

PROSPECTUS

Under this title there will be published at this capital a new periodical, in place of the one previously published under the name of *La Verdad,* which died at the beginning of May of the current year as the result of an acute disorder which it contracted from the strong wind that blew from the south from Mexico on the 20th of November of the year just past (thanks to the memorable 6th of December, which opened up a new era full of wonders and which by itself alone will raise the pages of Mexico's most glorious annals to the level and example of the other nations of the globe . . . ), and in spite of the strong north winds the extraordinary contagion reached Santa Fé at the end of April last; on which *el Payo* was born, as the result of a miscarriage at the whim of the writer; and the first thing it said was the following: "The Truth [*la Verdad*] has never done as much good in the world as its appearances have done evil," and these first-born words of *el Payo* will serve as death-watch at the funeral obsequies of the defunct *Verdad,* whose sudden death gave it no time to say good-bye to the public, nor to its companions, the journalists of the Republic of Mexico; and for the same reason, at the moment of its expiring, it was able to articulate only this innocent verse

De profundis clamavi
Are my intentions;
And of Requiem eternam
My thoughts

Which, as seen by our nascent writer, half fearful and half boldly, with the calm breeze blowing upon him, the *Payo* related.

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7. Of *La Verdad,* two issues are known: Vol. 1, no. 32, September 12, 1844 (one copy in the Historical Society of New Mexico and another in the Henry E. Huntington Library), and vol. 2, no. 51, January 23, 1845, found in the Bancroft Library by Mr. Lansing B. Bloom in the summer of 1931. The imprint of *La Verdad* was "Imprenta particular á cargo de J. M. B." ("Private press in charge of J. M. B[aca]").

8. The title as printed on the paper itself read *El Payo de Nuevo-Mejico.*

A terrible thing certainly is the task of the journalist. The more we engulf ourselves in this bottomless quicksand, the greater and the graver are the difficulties and embarrassments we encounter: so that, proceeding step by step, we have observed that it is easier to give a newspaper a name than to work out its policy, and easier to imagine this than to formulate its prospectus; today we feel that the difficulty of writing the first issues is not even comparable with the others; and our convictions reach the point at which we do not hesitate to generalize the proposition by saying that works from and after their beginnings are more difficult than their labels. In the editing of a paper as in the constitutions of nations, it is easy to write this magic word on the title page of some book and to fill the first page with others even more seductive, of liberty, equality, individual guaranties, and division of powers; but the *something* is not in them but in the means of making effective what it signifies, which is, or ought to be, the object of the pages following. We who, already compromised with the public, have to carry out our prospectus, do not really know where we shall have to begin, and reading and rereading our sheet of paper we bite our lips without knowing what to say in our first number, and while . . . Let us return to the prospectus.

The prospectus, repeats *el Payo:* that is the foundation, and I have nothing to think of otherwise but to develop the thoughts it may contain. The columns of this periodical will be concerned with: 1. All official communications of the supreme general government and those which emanate in particular from the department and its honorable assembly, prefectures, and courts of the first instance which deserve the attention and knowledge of the people, including articles and communications sent in by individuals or organizations, whether of general or of special interest, provided they do not offend public decency and morals and do not touch upon offensive or impolitic personalities, increasing or diminishing the editorial matter as the more or less crowded condition of this newspaper's columns may require; and its publisher, according to the heading at the beginning of this prospectus, is *el Payo* of New Mexico; whose paper will appear on Saturday of each week.

Subscriptions will be received at this capital by the printing office, in the other settlements of the department by the secretaries of the prefectures, in the county seats of

the two remaining districts of the North and Southwest by those of the *ayuntamiento*, and in the remaining towns of the department by their respective justices of the peace; timely announcement will be made as to who will receive subscriptions outside it. Its price is 18 *reales* per quarter in advance for those within, and 20 *reales* postage prepaid for those outside the capital.

Santa Fé, N. Mexico, June 21, 1845.

It would seem that not very much could be expected of a newspaper heralded by such a prospectus, and the two surviving issues of *El Payo* certainly show no effort on the part of its anonymous editor to present in its columns anything more than government bulletins and political papers. Of the two issues which have survived for us to examine, the first, of August 2, 1845, contains a communication from the Archbishop of Durango to the governor of New Mexico, advising him that the churches in New Mexico had been instructed to offer prayers for deliverances from earthquakes such as had nearly destroyed the city of Mexico and other places in the country. Then follows a political article in defense of the newly established government of Mexico and assailing the deposed president Santa Anna as the chief of a party founded on vice, prostitution, and brigandage. Next are two articles on the recent annexation of Texas to the United States.

The other issue, of August 9, 1845, begins with an article which has a distinctly familiar ring even in 1933. It complains of governmental waste in maintaining unnecessary offices and employees while the workers and farmers are often compelled to part with their tools in order to pay the heavy taxes. The rest of the paper is taken up with decrees by José Joaquin de Herrera, acting president of the Republic of Mexico, promulgating certain laws passed by the Mexican congress, and with the publication of the Mexican electoral law.

The advent of *El Payo de Nuevo Mejico* coincided with a revolutionary change in the Mexican government. As the

words of the prospectus delicately expressed it, *La Verdad,* its predecessor, died "of an acute disorder which it contracted from the strong wind which blew from the south from Mexico on the 29th of November of the year just past." The "strong wind" was the enforced suspension of the government of President Santa Anna on the date mentioned. The "memorable 6th of December" was the date of the uprising of the people and garrison of Mexico City to bring about the restoration of the constitution which Santa Anna had suspended. General de Herrera then assumed executive power as president of the council. On December 17th the job was completed when the congress deposed Santa Anna and appointed Herrera acting president.[9] Not until May, 1845, did this "strong wind" reach New Mexico and blow away the Santa Anna government in that department.

By way of conclusion to this brief sketch of *El Payo,* there is presented an account of its establishment as published by Mr. Lansing B. Bloom a number of years ago:[10]

"Some three months after the last issue of *La Verdad* to which any reference has been found,[11] the press which Deputy [Donaciano] Vigil had used for publishing this little weekly was disposed of by Pro. [Presbitero] Martinez to Governor Chavez. In referring to this transfer before the assembly on June 2d, Vigil proposed that they authorize His Excellency to establish at the expense of the government a new periodical in which should be published the measures enacted by the departmental authorities, whether these related to fostering the security of the country, to internal policing, or to economic affairs; and in order to have due deliberation, he asked that a committee be named to request the governor's presence. This was done, and when

9. Lansing B. Bloom, in his "New Mexico under Mexican Administration," *Old Santa Fe,* vol 2, no. 3, January, 1915, p. 233, gives an account of these events.

10. Bloom, *op. cit.,* p. 247.

11. An issue referred to in a letter dated at El Paso, February 28, 1845, from Guadalupe Miranda to Donaciano Vigil at Santa Fé, in which Miranda wrote "I received the copy of the periodical which you edit. . . " (Bloom, *op. cit.,* p. 236.)

the governor had presented himself, the matter was discussed with him and arranged. The governor was authorized to establish the press at the expense of the departmental treasury, and he was to select a board of editors for the periodical 'in conformity with the laws of the press.'"

Thus was born *El Payo de Nuevo-Mejico* on June 28, 1845. Who wrote its prospectus? Who formed its "board of editors"? How long did it live? As yet, we do not know.

*A Dictionary of Spanish Terms in English, with special Reference to the American Southwest.* By Harold W. Bentley. (Columbia University Press, New York, 1932. 243 pp. $3.50.)

THERE has long existed the need for such a work as this one. Much has been written on the subject of Spanish terms in the English language but nothing has appeared heretofore in English purporting to be a dictionary of those terms. The book is timely and appropriate and should prove of real value to students of both Spanish and English.

The general plan of the book is well worked out. The first third of the work, consisting of approximately eighty pages, is taken up with the introduction and gives the historical and cultural backgrounds which led to the infusion of Spanish words and expressions into the spoken and written English. By far the greater part of the introduction deals with the intermingling of the different peoples of the American Southwest, especially the Spanish, Mexican, and so-called Anglo. There follows a summary of the Spanish-English contacts in America, a brief discussion of the Spanish borrowings from English, of English borrowings from Spanish, of the nature of these borrowings, and of the effect of the economic life of the people on this exchange of words and expressions.

The second and largest section of the book includes some one hundred and thirty-three pages and consists entirely of a vocabulary of Spanish words and expressions found in English writings. The words are well arranged in alphabetical order with Spanish and English phonetic symbols supplied as an aid to proper pronunciation. After each word or expression there is given the definition in English, followed by one or more examples of its use in English writings, mainly those of the American Southwest.

The last part of the work, consisting of some twenty-three pages, is used for the appendix. In this section appear words of American Indian origin, Spanish place names in the United States, a list of bull fight terms, and some examples of bi-lingual letter writing. Then follows an excellent bibliography which concludes the book.

In the first part of the work, the reader feels that the author is constantly striving for some adequate terms in writing of the various peoples of the Southwest. There are no truly adequate designations as yet in use and the terms "Spanish-speaking" and "English-speaking" used by the author seem to be the most appropriate.

In reviewing a book of the nature of a dictionary perhaps it is best to give both favorable and adverse criticisms more in detail, and as the words appear in the text. The use of the Spanish "sí" for the English "yes" or better "yeah" among the cowboys as given in a footnote quotation on page 11 seems a trifle far-fetched. The word "lucha" used by the author on page 32, in an otherwise pure English sentence, may be a slight straining for effect. The same criticism might be made of the use of the word "atajos" on page 40. Many people interested in the study will doubt the appropriateness of the term "Anglo-Saxon" used on page 47 to denote the immigrants from the United States coming into the Southwest. On page 50 there is some doubt as to just what the author means by "native" Mexican inhabitants of Texas. If they are "native" to Texas, obviously they are not Mexicans, but Spanish-speaking Americans living in Texas. Otherwise, they are Mexican citizens living in Texas.

The section devoted to the vocabulary or dictionary is excellent, and shows years of diligent study and research. Few corrections, if any, could be made on this part of the book. The Spanish words are clearly and well defined, and the examples from English writings of the uses of the

Spanish expressions are, for the most part, very good indeed. A few suggestions, however, may not be entirely out of place. The author on page 110, in defining the Spanish "cabrón", states that the word is as strong as the English word "fool" or even "damn fool." May one who has spent most of his life among Spanish-speaking people suggest that the word "cabrón" when applied to a person (either Anglo or Spanish) has an infinitely stronger connotation than even "damn fool?" The same sort of criticism might be offered for the Spanish word "chingar", found on page 122. On page 127 one might question the statement that "concha" signifies a "pearl." Some light on the eternal question of the origin of the word "gringo" found on page 141 might be found in a review of a play "La Gringa" by the South American, Florencio Sanchez. The Spanish word, "ladino", found on page 153, is often used also in the sense of "wild" as, for example, a famous brand in the Southwest called "media luna con pelo ladino", translated loosely by the cowboys, "half-moon with a wild hair in it." One might add that the word "Tejano" listed on page 206 has an entirely different meaning to the Spanish-speaking person from the one given as "manliness" or "courageousness." It sometimes suggests just the opposite: "a prejudiced bigot" from Texas.

The last section of the book contains a list of words of American Indian origin. The Indian word is also given, thus showing the source of many expressions believed to be Spanish. There is also given another complete list of Spanish place names in the United States. This is followed by a large group of bull fight terms.

In a series of personal letters which the author lists as examples of bi-lingualism are found many interesting examples. A few of the lines seem a bit far-fetched as, for example, the word "algunos" for "some" in the line "and got two deer and algunos trouts", found on page 239.

The select bibliography which concludes the work is excellent, and includes most of the writings of any source whatever dealing with the subject under discussion.

A few mis-spellings (undoubtedly typographical errors) which escaped the appended Errata, are the following: p. 98, "climibing" for "climbing"; p. 116, "Dohie" for "Dobie"; p. 135, "Hispaña" for "Hispana"; p. 144, "la hasta vista" for "hasta la vista"; p. 238, "neuve" for "nueve."

Taking all in all the book is a very good one, and will do much to cause a better understanding between the English and Spanish-speaking peoples as well as serve a useful purpose for those looking for a good dictionary of Spanish terms in English. F. M. KERCHEVILLE.

University of New Mexico,
Albuquerque.

*The Mercurio Volante of Don Carlos de Sigüenza y Góngora. An Account of the First Expedition of Don Diego de Vargas into New Mexico in 1692.* Translated, with Introduction and Notes, by Irving Albert Leonard, Ph.D., University of California. The Quivira Society, Los Angeles. 1932.

This third volume of the Publication of the Quivira Society maintains the excellence of the other volumes of the series both in content and in format, and affords the student of the history and ethnology of the Southwest further means for pursuing his investigations. The original work, which may be regarded as among the exceptionally rare books treating of the Southwest, is now no longer indispensable for the present volume places before the investigator a facsimile reproduction which may be regarded as ancillary to and confirmatory of Dr. Leonard's translation. It is true that the *Mercurio Volante* was reprinted at Mexico City in 1900, but it has not hitherto appeared in English

if one excepts the very literal and imperfect translation in Benjamin M. Read's *Illustrated History of New Mexico* (Santa Fe, 1912).

In a scholarly Introduction Dr. Leonard reveals the fact that the *Mercurio Volante*, like other publications in Mexico, was a link in a chain of rudimentary newspapers having their beginning as early as 1541 and which slowly evolved into true periodicals, but these were not printed at stated intervals until the 18th century was well advanced. Such *hojas volantes* were issued in response to the public desire for news respecting events of importance, such as Spanish feats of arms in various parts of the world, the deaths of popes and princes, and the like.

News of the reconquest, by *Vargas*, of the Pueblo Indians twelve years after the great revolt of 1680, was an event so spectacular and so important, especially as it came at a time when New Spain was torn by various distresses, as to arouse the wildest enthusiasm and to call forth one of these products of the provincial press—the *Mercurio Volante,* the work of the foremost scholar of New Spain in his day, a contemporary of the well-known Father Eusebio Francisco Kino, with whom Sigüenza y Góngora engaged in lively argument over the origin of certain astronomical phenomena.

Dr. Leonard has performed his task well. In addition to a discussion of the forerunner of newspapers in New Spain, he presents a sketch of Sigüenza y Góngra, a supject with whom he is quite familiar, as witness especially his biography of that noted character published by the University of California in 1929. Dr. Leonard also outlines the conditions in New Spain at the time of the reconquest, together with the motives of that event. The entire work is amply documented and well indexed.

The volume is embellished with eleven plates in photogelatin, all pertinent to the subject-matter, and a facsimile

reproduction of the map of California and New Mexico, attributed to Sigüenza y Góngora, from "L'Atlas Crieux of N. de Fer," with a note by Mr. Henry R. Wagner.

F. W. HODGE.

Southwest Museum,
Los Angeles, Calif.

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# NEW MEXICO HISTORICAL REVIEW

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PALACE OF THE GOVERNORS

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# NEW MEXICO HISTORICAL REVIEW

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(INCORPORATED)

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# CONSTITUTION

OF THE

HISTORICAL SOCIETY OF NEW MEXICO

(As amended Nov. 19, 1929)

Article 1. *Name.* This Society shall be called the Historical Society of New Mexico.

Article 2. *Objects and Operation.* The objects of the Society shall be, in general, the promotion of historical studies; and in particular, the discovery, collection, preservation, and publication of historical material, especially such as relates to New Mexico.

Article 3. *Membership.* The Society shall consist of Members, Fellows, Life Members and Honorary Life Members.

(a) *Members.* Persons recommended by the Executive Council and elected by the Society may become members.

(b) *Fellows.* Members who show, by published work, special aptitude for historical investigation may become Fellows. Immediately following the adoption of this Constitution, the Executive Council shall elect five Fellows, and the body thus created may thereafter elect additional Fellows on the nomination of the Executive Council. The number of Fellows shall never exceed twenty-five.

(c) *Life Members.* In addition to life members of the Historical Society of New Mexico at the date of the adoption hereof, such other benefactors of the Society as shall pay into its treasury at one time the sum of fifty dollars, or shall present to the Society an equivalent in books, manuscripts, portraits, or other acceptable material of an historic nature, may upon recommendation by the Executive Council and election by the Society, be classed as Life Members.

(d) *Honorary Life Members.* Persons who have rendered eminent service to New Mexico and others who have, by published work, contributed to the historical literature of New Mexico or the Southwest, may become Honorary Life Members upon being recommended by the Executive Council and elected by the Society.

Article 4. *Officers.* The elective officers of the Society shall be a president, two vice-presidents, a corresponding secretary and treasurer, and a recording secretary; and these five officers shall constitute the *Executive Council* with full administrative powers.

Officers shall qualify on January 1st following their election, and shall hold office for the term of two years and until their successors shall have been elected and qualified.

Article 5. *Elections.* At the October meeting of each odd-numbered year, a nominating committee shall be named by the president of the Society and such committee shall make its report to the Society at the November meeting. Nominations may be made from the floor and the Society shall, in open meeting, proceed to elect its officers by ballot, those nominees receiving a majority of the votes cast for the respective offices to be declared elected.

Article 6. *Dues.* Dues shall be $3.00 for each calendar year, and shall entitle members to receive bulletins as published and also the *Historical Review.*

Article 7. *Publications.* All publications of the Society and the selection and editing of matter for publication shall be under the direction and control of the Executive Council.

Article 8. *Meetings.* Monthly meetings of the Society shall be held at the rooms of the Society on the third Tuesday of each month at eight P. M. The Executive Council shall meet at any time upon call of the President or of three of its members.

Article 9. *Quorums.* Seven members of the Society and three members of the Executive Council, shall constitute quorums.

Article 10. *Amendments.* Amendments to this constitution shall become operative after being recommended by the Executive Council and approved by two-thirds of the members present and voting at any regular monthly meeting; provided, that notice of the proposed amendment shall have been given at a regular meeting of the Society, at least four weeks prior to the meeting when such proposed amendment is passed upon by the Society.

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Students and friends of Southwestern History are cordially invited to become members. Applications should be addressed to the corresponding secretary, Mr. Lansing B. Bloom, Santa Fe, N. Mex.

The Late Luther Foster

*(See page 236)*

# NEW MEXICO HISTORICAL REVIEW

VOL. VIII JULY, 1933 No. 3

## SOME GENERAL ASPECTS OF THE GADSDEN TREATY*

By FREDERIC A. COFFEY

THE majority of our general United States histories have little to say concerning the Gadsden Treaty. One concise reference reads:

> The net result of the efforts at expansion southward was an acquisition of minor importance. In 1853 James Gadsden, representing the U. S., purchased from Mexico at a cost of $10,000,000, a strip of land lying to the south of the Gila River. By this act a boundary dispute was settled with Mexico, and the U. S. acquired a tract of land, which, according to surveys of the War Department, was needful for the building of a transcontinental railroad along a southern route.

Thus Schlesinger succinctly tells the story.[1] In the light of the panorama of events coming full and fast from 1846 on for over a decade, it is not strange that the historians have passed the treaty up, to emphasize the things which for longer periods held the attention of the nation.

Future standard works of history are not as apt to ignore entirely the Gadsden Treaty as Channing and Bassett have done. There are several reasons why the Gadsden Treaty deserves greater emphasis at the hands of our general historians.

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* Paper read at the Southwestern Division, A.A.A.S., State College, N. Mex., May 2, 1933.

1. Schlesinger, *Political and Social History of the United States*, 1829-1925, pp. 139-140.

From an engineering viewpoint the "Gadsden" railroad route is still accepted as the most satisfactory transcontinental route. While the central route today outranks it in point of freight tonnage, the difference is surprisingly little considering the northern destinations of a large portion of the goods carried in the east-west transcontinental traffic. Second, from a highway viewpoint it remains literally the Broadway of America. The whys and the wherefores of the territorial acquisition through which it passes is becoming a matter of increasing interest to the American tourist.

Third, it deserves a place in the historians' more or less exhaustive story of the westward movement. Following the lead of Von Holst and especially Rhodes, our historians have considered that the only things to record after the Mexican War were those events of a sectional nature which reflected some aspect of slavery or involved questions of constitutional interpretation. It remained for Dr. Frederick J. Turner to point out the significance of the American frontier. Broadened, that meant essentially the influence of the westward movement upon American history. Paxson, Alvord, and others have followed, while Garrison, Bolton, Webb, Barker, Marshall, etc., have restricted their studies more completely to the general Southwest. It is to the southwestern phase of the movement that the Gadsden negotiations and treaty belong.

Before the Mexican War our pioneers had penetrated beyond the accepted territorial confines of the western United States either as explorers, traders, or settlers into Texas, New Mexico, California, and Oregon. The campaign of 1844 served to crystallize American thinking on the problem of the relations between the United States and at least two of these areas, namely, Texas and Oregon. The "reoccupation" of Oregon or "54° 40′ or fight," and the "reannexation" of Texas were campaign slogans. Polk, having advocated before the people both slogans, won the verdict over Clay and Birney. The story of Polk's success in carrying out our "Manifest Destiny" then followed.

With the Oregon issue settled in June, 1846, the energies of the government were more directly focused upon our problems with Mexico. Then it was that the Polk administration aggressively or otherwise caused the United States to engage in a conflict with Mexico. This paper is not concerned with the causes of the Mexican War except in so far as they shed light on the treaty of 1853. It engages in enough controversial points.

As a matter of fact our relations with Mexico involving the desire of the United States for territory go back to much earlier dates. As early as March, 1827, Adams' secretary of state, Henry Clay, negotiated through Joel Poinsett for a revision of the Treaty of 1819 line and the purchase of Texas.[2] It is definitely established that overtures were made by the Jackson administration to purchase Texas and an additional strip of territory extending westward to the Pacific and including the Bay of San Francisco."[3] No progress whatsoever was made under Poinsett and the negotiations came to naught as Justin H. Smith tells us in his monumental work, *The War with Mexico*[4], with the recall of that swashbuckling politician, Anthony Butler. Again, in 1845, John Slidell was sent to Mexico with the instructions to take up the claims of American citizens against Mexico, the settlement of the boundary in the upper stretches of the Rio Grande, and the purchase of California.

Polk was mild, however, in his reference to California as he instructed Slidell to negotiate for its purchase only if the endangering of the restoration of friendly relations with Mexico could be avoided.

Two things stand out in these early negotiations so far as the place of the Gadsden Purchase in the westward movement is concerned. First, the desire for southwestern territory preceded the slavery controversy as a marked

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2. Latané, *A History of the American Foreign Policy*, p. 239.
3. Rippy, *The United States and Mexico*, p. 7.
4. Vol. I, pp. 62-63.

national issue. This means that while slavery is involved in the territorial acquisitions of the southwest the picture is much clearer when the territorial gains from Mexico are conceived to be fragmentary to the whole westward movement. The reader is invited to investigate Frederic L. Paxson's viewpoint as found in his work, *The History of the American Frontier*. Then, the negotiations indicate a rather ambitious "manifest destiny." One will recall that Polk authorized Slidell to acquire California and New Mexico. The amount of territory desired would naturally increase following a victorious war. So it is not strange that when Trist presented a smaller acquisition than the administration desired a later Democratic administration worked for more territory.

This aspect of the background of the treaty of 1853-54 deserves more detailed treatment. The Mexican War was fought with California becoming independent and passing rather immediately under American control, Kearny being successful in his conquest of the Southwest, and Taylor winning a presidential nomination at Buena Vista, and Scott storming the heights of Chapultepec to force a treaty of peace.

The peace treaty signed at Guadalupe Hidalgo on February 2, 1848, was negotiated on the American side by Nicholas P. Trist. Rippy in his *The United States and Mexico* comments:

> And by this time the unprecedented conduct of the American commissioner had provoked Polk into authorizing his recall. Trist refused to take notice of a small matter like this, however, and proceeded to negotiate a treaty in accordance with the instructions which he had received almost a year before . . . It was reluctantly received by an embarrassed administration and soon accepted by the government of both countries.[6]

Rippy's comment on Trist simply points to the accepted conclusion among American history students that the

6. P. 14.

treaty did not secure the amount of territory which the Administration had expected to receive from Mexico. Trist was authorized "to acquire New Mexico and Upper California and, if possible, Lower California."[7] For the three states he was to pay not more than $25,000,000, and for the two not more than $20,000,000. Just what the boundary should be in order to acquire these states varied. Should he be successful in securing New Mexico and both Alta and Baja California the boundary line should run as follows:

> Commence in the Gulf of Mexico, three leagues from the land opposite the mouth of the Rio Grande; from thence up the middle of that river to the point where it strikes the southern line of New Mexico; thence westwardly along the southern boundary of New Mexico to the southwestern corner of the same; thence northward along the western line of New Mexico, until it intersects the first branch of the river Gila; or if it should not intersect any branch of that river, then to the point on the said line nearest to such branch; and thence in a direct line to the same, and down the middle of said branch, and of the said river, until it empties into the Rio Colorado; thence down the middle of the Colorado, and the middle of the Gulf of California to the Pacific ocean.[8]

All of the proposals originating either in Washington or with Trist included as much territory as was finally acquired in the treaty and in addition called for an outlet on the Gulf of California. Certainly Trist acquired a minimum of territory while he may be said to have abided by his rather out-of-date instructions.

Evidently as the war progressed there grew a greater demand for territory among the Americans. There were those who counciled the acquisition of the entire area of Mexico. Less inclusive but sufficiently impressive were the senate demands advanced by Senators Houston and Davis.

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7. *Atlas of Historical Geography*, C. O. Paullin and J. K. Wright, p. 64.
8. *Ibid.*

Houston wanted to draw a line across from Tampico to Lower California at a point on about the 25th parallel. Finally the boundary provision of the treaty of 1848 provided for the Rio Grande as the boundary up to the southern boundary of New Mexico. No specific parallels or meridians are mentioned in the treaty but the city of Paso is referred to. The boundary west was as described above in Trist's instructions of April 15, 1847. The question which had to be worked out was what were the southern and western boundaries of the Mexican State of New Mexico. Therefore it was provided:

> The southern and western limits of New Mexico, mentioned in this article, are those laid down in the map entitled "Map of the United Mexican States," as organized and defined by various acts of the Congress of said republic, and constructed according to the best authorities. Revised edition. Published at New York, in 1847, by J. Disturnell, of which map a copy is added to this treaty, bearing the signatures and seals of undersigned Plenipotentiaries.[9]

The guide selection as to maps might have proven all right except that Disturnell's map made some substantial errors. El Paso was located at about 32° 15′ north whereas it is located at 31° 45′ north. He further had El Paso and consequently the adjacent areas and surface features too far to the east by about two degrees. Without involving ourselves further in the details of the boundary dispute, suffice it to say that it resulted in agitation for the United States to settle the boundary issue by purchasing the disputed area.[10]

First it is noted that the "Purchase" is explained as a phase of the westward movement. Second, the solution of the southwestern boundary dispute was made through the United States acquiring a newly defined boundary farther to the south. Third, the purchase is to be explained in terms

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9. *Ibid.*

10. Dr. P. M. Baldwin in the April, 1930, issue of the *New Mexico Historical Review* has a very scholarly paper on "The Boundaries of New Mexico."

of other parts of the treaty of Guadalupe Hidalgo as well as the changing scene in the United States itself.

There were other important provisions in the treaty which had a bearing on the future Gadsden Treaty. Article XI of the Trist treaty provided that the United States would assume the "obligation of preventing Indian incursions into Mexican territory and restoring Mexican citizens captured by the Indians." The magnitude of the task assumed under this article was not fully realized by the United States when Buchanan as Polk's secretary of state asserted:[11]

> That his government possessed "both the ability and the will to restrain the Indians within the extended limits of the United States from making incursions into Mexican territories as well as to execute all the other stipulations of the eleventh article."

It seems that the United States made some considerable effort to carry out this provision. James S. Calhoun was made Indian agent for New Mexico in 1849. J. C. Hays was sent among the Gila Apaches. In all cases, however, there seems to have been a notable lack of means and equipment with which to secure results. While troops were scattered along the southwestern frontier they were decidedly too few in number to check materially the Indian depredations.

With the failure to prevent the Indian raids from one side to the other the United States found claims being accumulated against it. Constant references were made to the situation by the Mexican minister at Washington. Webster, who became Taylor's secretary of state in 1851, instructed Letcher, the American minister to Mexico, to secure a release from Article XI and the similar provision of the treaty of 1831. He saw a mounting of the exaggerated and fraudulent claims for indemnification."[12] A monetary consideration for the release of the United States from

11. P. N. Garber, *The Gadsden Treaty*, p. 27.
12. Rippy, *United States and Mexico*, p. 83.

the eleventh article was contemplated but the funds were to be used in fulfilling Mexico's obligations under the claims convention of 1843 which was unsatisfactory to that nation.

Negotiations moved slowly although pushed by Letcher. Rising financial demands of the Mexican government came to exceed the minimum Letcher was prepared to offer and so the negotiations came to a close. Alfred Conkling succeeded Letcher as minister to Mexico but with continued heavy demands being made by the Mexican minister of foreign relations the matter stood as of the treaty of 1848 when Gadsden arrived in Mexico in 1853.

The treatment of the Gadsden Treaty has been done by Paul Neff Garber. His is the most authoritative specialized study of the agreement. One cannot refrain from observing, however, that it is far from the last word in the matter and that his lack of scrutiny has prevented it from being the monumental work that such a doctorate effort should be. There is work yet to be done. The Spanish viewpoint is much better presented by Rippy in his incidental treatment. Dr. P. M. Baldwin has clarified much more the boundary aspects of the Treaty of Guadalupe Hidalgo. An exhaustive study inclusive of these and other things is desirable.

It is from Garber, however, that we gather the story of James Gadsden. Gadsden, which is spelled G-a-d-s-d-e-n, was born in 1788 and so he was 65 years of age when he became minister to Mexico in 1853. He came from an old family of Charleston, South Carolina. Following his graduation from Yale in 1806, he became a merchant in Charleston. He then served with distinction in the War of 1812, to continue his services afterward as an expert engineer and aide-de-camp to General Jackson, who campaigned in the Southwest against the Indians after the War of 1812.

Gadsden struck up a very close friendship with General Jackson, which was to be broken only by the acceptance by Gadsden of the South Carolina position on the doctrine of nullification. Through Jackson he was rapidly advanced

in the army until the senate refused to affirm Monroe's appointment of him as adjutant general of the army. He then became interested as a negotiator and as a settler in Florida.

By 1839 Gadsden was back in Charleston. His merchant connections served to arouse his interest in interior contacts and in 1840 he became the president of the Louisville, Charleston, and Cincinnati railroad. In life one experience and one dream leads to another, and next Gadsden became interested in furthering the "plan of a southern railroad to the Pacific Ocean." The plan so crystallized in Gadsden's mind that he had Charleston as the eastern terminus and South Carolina on an intimate basis with the west. At the Memphis convention in 1849 he was advocating a transcontinental road with a route along the Gila river.

By 1853 Gadsden had become an ardent secessionist but was not and had not been interested in the acquisition of large territorial areas from Mexico except in so far as a natural boundary between the areas could be effected. The slave-holding aristocrats were not such ardent advocates of large territorial gains from Mexico, but when the issue of a transcontinental railroad arose they were ready to swing its routing into the Southwest.

Is it strange, therefore, that Jefferson Davis brought his influence to bear upon President Franklin Pierce in the selection of Gadsden as minister to Mexico? Gadsden had common interests with Davis and above all he was safe in contrast to the defiant Trist of 1847-48.

With one exception the instructions to Gadsden indicate the nature of the problems discussed by him with the Mexican representatives. He was expected to ignore the Garay-Tehuantepec Isthmus grants in the negotiations, but to effect a solution of the Mesilla Valley boundary dispute.

This boundary problem involved the problem of a railroad route. The Guadalupe Hidalgo Treaty in Article VI had provided:[13]

13. Garber, p. 19.

> that if, in the future, a road, a canal, or railroad should be constructed which should run along the Gila River, within the radius of one marine league of either the right or the left bank, the two countries were to form an agreement as to its construction.

Then as the boundary commission of Bartlett and Condé swung into action and reports were made in turn by Bartlett, Gray, Whipple, and then Emory, the question as to whether an adequate route had been secured by the Trist treaty was raised. Bartlett thought a railroad could be built along the Gila. Gray thought it would have to come well below the Gila and Lieutenant Whipple declared that the railroad would have to pass into Sonora to miss the Pinal Llano mountains. Colonel Emory insisted that a practical route lay only to the south of the locations advocated by Bartlett and Gray.

Secretary of State Marcy was convinced that additional territory south of the Gila was necessary for a railroad but he could not be definite without a survey. Therefore he expected Gadsden to secure sufficient territory for a practical railroad route with compensation in a moderate amount being granted Mexico.

Gadsden's further instructions had partially to do with the eleventh article of the treaty of 1848. As previously suggested the time had come to seek a release from its obligations.

Gadsden reached Vera Cruz in August, 1853, and on the 17th of that month held his first interview with Santa Anna. He was destined to negotiate with Bonilla, minister of foreign relations, and later a commission composed of Bonilla and two engineers.

It is unnecessary to follow the minute details of the negotiations as the conference and exchange of notes occurred. Little can be gained by such a cataloging. It is well to note the trend of the negotiations and the position of Gadsden after the arrival of instructions from Washington via Christopher L. Ward.

By October no progress had been made except that Gadsden now understood the situation much better. More and more he came to the conclusion that money would solve the problem and that Santa Anna's government would soon be sorely in need of it and might be overthrown. Gadsden's communications to Secretary Marcy pictured the opportunity as soon to come if only he were in a position to capitalize it. The impression he made upon Marcy was that the issue was not the amount of territory to be ceded but the amount of money to be passed. Marcy, accepting more or less Gadsden's recommendations, proceeded to provide him with further and detailed instructions.

Ward was therefore selected "as a special secret messenger" and was sent to Mexico "to communicate verbal instructions to Gadsden for the negotiation to a treaty."[14] Ward's message from the department of state was concerned, according to the department's filed memorandum, with six possible boundaries between the United States and Mexico and the maximum sums which might be paid for any of the territorial gains.

Boundary No. 1 proposed through Ward was the choice of President Pierce. The line would have transferred "a large portion of what was then the northern part of the states of Coahuila, Chihuahua, Sonora, and all of Lower California." The line was based upon divides and mountain barriers and was therefore considered to be of a permanent nature. Gadsden was authorized to pay up to $50,000,000 for this line. The No. 2 proposed line did not go as far south of the Rio Grande as No. 1 nor did it include Lower California. $35,000,000 was authorized for this line. Line No. 3 did not extend far below El Paso but it included the Peninsula of Lower California for all of which $30,000,000 could be paid.

Line No. 4 differed from line No. 3 in that Lower California was excluded and only $20,000,000 was authorized as a maximum payment.

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14. Garber, p. 90.

Line No. 5 got down to the minimum requirements of the United States. It provided for a line to be drawn from the Rio Grande west along the parallel of 30°48′ to the Gulf of California. Release from all damage claims under the treaty of 1848 and the abrogation of the eleventh article of the said treaty were to be included as considerations should Gadsden offer up to $15,000,000. The sixth line made a fairly slight variation from the 5th by starting from the Rio Grande at the 32nd parallel.[15]

As the filed departmental memorandum shows, Ward's instructions were concerned with the above matters. However, Ward from the beginning began to stress the desirability of securing recognition of the claims now held by an American company based upon the Garay-Tehuantepec Isthmus grant. Another grant had been subsequently made by the Mexican government known as the Sloo grant which is to be associated with the Conkling convention. Doubting that Ward was relaying the true desires of the president or Secretary Marcy, Gadsden compelled Ward to put his message in writing which Ward reluctantly did. The sum total result of the agitation for a recognition of the Garay grant was to embarrass the negotiations and delay the solution of the boundary problem.

Other things embarrassed the negotiations. It became evident that Santa Anna's government relied heavily upon the representations of Almonte, its representative at Washington, who reported the Americans as wanting a railroad route so much that a heavy price might be exacted. Further linking up of claims, the Garay grant, and the sum to be paid for territorial gains complicated things. Then, too, there is little doubt but that Gadsden himself embarrassed things by his bluster and intimidation. Ward was not always the one saying what he should not say.

The Walker filibuster expedition into Lower California came at exactly the wrong time for Gadsden. The situation

15. Garber, *The Gadsden Treaty*, pp. 91-93.

in the Mesilla Valley was unsatisfactory as well. Governor Lane of New Mexico had intimated that he would occupy the disputed territory and break the status quo agreement which Gadsden had made with Santa Anna toward the beginning of the negotiations.

It was rather evident as negotiations continued that Santa Anna was not interested in ceding any more territory than could be avoided because he felt that it would mean the overthrow of his government. While his need for money was great, except for personal uses the money would mean little should he be out of power.

It is not surprising therefore that when negotiations reached the point of presenting a treaty draft as a basis for discussion it hinged around boundary No. 5, a line calling for a minimum territorial gain. The treaty was worked out in conference from Dec. 10 to Dec. 30, 1853, in Mexico City. It was signed at the American legation building on the latter date. The boundary proposal which was accepted was suggested by Bonilla and accepted on Dec. 23. The remaining conferences were concerned with the problems of compensation and claim recognition.

In all the treaty had ten articles. Article I outlines a new southwestern boundary as follows:

> It began on the Rio Grande at latitude 31° 47′ 30″ N. passed thence by a right line to the intersection of the 31st parallel with the 111th meridian, thence by a right line to a point in the Colorado River two marine leagues north of the most northern part of the Gulf of California, and thence up the middle of that river to the boundary fixed by the Treaty of Guadalupe Hidalgo.[15a]

Article XI of the Hidalgo Treaty was abrogated with the United States promising to aid Mexico against the Indians. The United States assumed all claims of Americans against Mexico (which was estimated at $15,000,000). A claims commission was organized. Navigation of the Colo-

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15a. *Atlas of Historical Geography*, C. O. Paullin and J. K. Wright, p. 66.

rado, Gulf of California, and Brazos rivers by Americans was not to be interrupted.

Certain parts of the treaty of Guadalupe Hidalgo were reaffirmed. Mexican land grants in the ceded territory were recognized. A "promise of mutual co-operation to suppress filibustering expeditions" was made.

Space precludes a treatment of Gadsden's attitude and whether he thought he accomplished much. The latter can be explained by what he said to the custom official who interrogated him at New Orleans. "Sir, I am General Gadsden. There is nothing in my trunk but my treaty."

Christopher Ward, however, was the treaty bearer to the president. He delivered the inter-country agreement to the president on January 19, 1854. The interesting thing was that the public, through the columns of the *New York World,* "knew" about the treaty sooner than Washington and knew its contents only one day later than Washington. At least this early scoop indicated possibilities of intrigue and under-cover pressure which Gadsden charged impaired his efforts all during the period of negotiation.

The president and his cabinet proceeded to hold up the treaty for almost daily discussion until February 10. As Polk had found himself in a dilemma over Trist's treaty, Pierce found reasons for disapproving this agreement as well as accepting it. Naturally he was surprised to find any recognition of the Garay grant so the recommendation to amend article III, was made to the senate providing for the omission of any recognition of this claim. Two other recommendations were made to the senate. While Article XI of the Guadalupe Hidalgo pact was abrogated by Article II of this treaty the United States was still obliged to restrain the Indians along the international line. Pierce thought this obligation should be recognized as being mutual. Pierce's third suggestion was that the agreement in Article VIII concerning "the method by which the United States should co-operate in the suppression of filibuster raids"[16] was too specific in its stipulations and therefore

16. Rippy, *United States and Mexico,* p. 148.

should be made much more general. Pierce was willing to pass the treaty on for the senate confirmation with these changes even though he still had a somewhat divided cabinet over the matter.

The senate as a body, due to other business, rather ignored the treaty from Feb. 10 to March 13. The committee on foreign relations reported the treaty out on March 9. The committee report was substantially as Pierce recommended except that the committee personnel did not feel so antagonistic to the Garay claim.

A detailed discussion of the senate treatment of the document will give us little additional light. The nature of the alignments that developed and the ultimate changes as the treaty was finally formed are more important. Rippy has classified the senate lines of cleavage into five groups. There were the anti-slavery irreconcilables who naturally opposed the territorial gain which might add to the domain of the slave-holders. A few, led by Senator Mason of Virginia, were ready to accept the treaty as Gadsden had signed it at Mexico City. Another bloc favored the treaty as it was signed, except to recognize the Sloo-Tehauntepec claim as opposed to the Garay claim. A fourth group agreed with Senator Rusk that only enough territory to provide "a feasible railway route"[17] should be acquired. The fifth group, led by California's Gwin and Weller, demanded more territory and a part on the Gulf of Lower California. They went so far as to advocate a mountain and desert boundary line so as to have a natural defensive barrier between the countries. Certainly with such cleavages the original treaty was bound to undergo some compromise changes before it would be presented to President Pierce for his formal approval or rejection.

Of the ten articles of the treaty as Gadsden had signed it, five remained virtually intact. The ten became nine with the other five revised into four articles. Articles I and III

17. *Ibid.*

as they were changed are of most interest to the student of southwestern history.

Perhaps one might reasonably expect that the United States would desire as much continuous continental territory as it could peaceably acquire. Especially would this seem the case when the American frontier was far from being closed, but as the final treaty shows here was an exception. Actually the United States acquired much less territory than it would have acquired had Article I of Gadsden's Treaty been left as it was presented to the senate. Rippy has labored through the documents of the period to discover that six or seven amendments were offered to Article I. Of the groups that were not satisfied, the general group wishing for more territory felt the need for a port on the Gulf of California and a "route better adapted to a Pacific railroad."[18] Those opposed naturally moved to minimize the acquisition. Shields, Gwin, Rusk, and Mason offered one or more amendments each calling for a redefined boundary. Shield's amendment was the most ambitious, providing for the 31st parallel line between the Colorado River and Gulf of California and the Rio Grande. Shields and Gwin's amendments both were defeated. Rusk, who offered a more moderate amendment, had his passed. It provided for a line leaving the Rio Grande at the parallel 31° 47′; continuing due westward for 150 miles; "thence south 30 miles, and then by a right line to the Rio Colorado or the Gulf of Mexico, as the case might be; and thence, as in the other proposals, to the Pacific."[19]

Rusk then asked for a reconsideration of the line as, in present day southwestern New Mexico, there probably was need for more land for a railroad route than would be available by extending a line 150 miles due west from the Rio Grande at 31° 47′. The apparent solution was to compromise the area by extending the 31°47′ line only 100 miles west of the Rio Grande and then to turn south; and relin-

18. *Ibid.*, p. 150.
19. *Ibid.*, p. 151.

quish some of the western area south of the Gila by defining the line further to the north even though it meant the loss of land connections with the Gulf of Mexico. Again Rusk's amendment was accepted. This virtually established the line as it came to be, the difference being that 100 miles west of the Rio Grande the southern extension was 30 miles instead of the 31° 20′ definition as finally established.

It was during the latter phases of the senate's consideration of the treaty that Mason offered the resolution which actually was confirmed. The line was defined, as[20]

> beginning at the intersection of the parallel of 31° and 47′ with the Rio Grande; thence due west one hundred miles; thence south to the parallel of 31° 20′; thence along the said parallel . . . to the 111th meridian of longitude west of Greenwich; thence in a straight line to a point on the Colorado River twenty English miles below the junction of the Gila and the Colorado Rivers; thence up the middle of the said Colorado until it intersects the present line between the United States and Mexico.

How did it happen that the United States relinquished territory as a result of its own ratification proceedings in which Mexico was willing to acquiesce?[21] The transcontinental railroad and slave issues were the chief issues which forced a compromise from the purchase advocates. While there were other considerations as noted above relative to the senatorial cleavages these two things forced compromises.

By April 6, 1854, it was evident that the treaty would have to be revised as only two more votes were needed at that time to table the treaty.

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20. *Ibid*, p. 152.

21. A comparison of the treaty drafts as signed by Gadsden and as ratified by both Mexico and the United States will show clearly enough that the Gadsden draft would have gained more territory for the United States than was secured. Maps in Garber's *Gadsden Treaty*, opposite p. 92, and the *Historical Atlas*, plate 94b, are convincing enough. Garber says (p. 131) "The territory acquired by the original treaty was reduced nine thousand square miles by the senate." This information comes from the U. S. and Mexican claims commission report of 1868.

Mason then retired as the leader for confirmation to be replaced by Rusk. Rusk became aggressive in his efforts to secure the necessary two-thirds vote. He sensed the necessity of satisfying the various elements in opposition so he set about rather systematically to appeal to them. The chief appeal to most of the northern senators, if they could be brought to support any purchase at all, was to minimize the area to be secured. Consequently Rusk introduced the amendment to materially reduce the area of the purchase on April 10. Probably feeling the need for further alteration, Rusk secured acceptance of a second boundary amendment. This amendment clearly indicated that the territory was for a railroad route and not for commercial gains in the Gulf of California region. Mason's amendment, putting the boundary line into its final form, did not apparently have value as a compromise feature.

Article II as finally set up merely called for the abrogation of Article XI of the Guadalupe Hidalgo Treaty and the 33rd article of the treaty of 1831.

Article III as Gadsden had submitted it called for too much compensation and an undesirable recognition of the Garay claim. The figures were reduced until the amount stood at $10,000,000. The original $20,000,000 provision was to be divided by remitting $15,000,000 to Mexico and $5,000,000 in turn to the American claimants upon Mexico including the specifically mentioned Garay claimants. Although Gadsden and Mason had been sold on the desirability of the Garay claims the senate refused to consider the private claims.

In the later stages of the senate discussion Rusk saw the need for support from the few senators who backed the Sloo-Tehuantepec grant. Senator Bell's amendment with six essential provisions regarding the isthmus was rejected. However, the outcome was that Bell's amendment

in substance, but without express designation of the Sloo company as claimants, was adopted.[22]

On April 17 the treaty was reported out of the committee of the whole to the senate. The vote for ratification showed a lack of three votes in order to have the necessary two-thirds majority.[23] The press engaged in a pro and con discussion of the matter which served at least to keep the treaty before the public. It was after the Southern and Western Commercial Convention at Charleston from April 8-15 that the confirmation finally came. Feeling the pulse of the South the southern senators Jones, Dawson, et cetera, returned to the sessions with a determination to push through the treaty. The senate confirmation came on April 25, 1854, with a vote of 33 to 12.

Three things remained to be done before the treaty would become effective: 1st, the president must give a final acceptance or rejection; congress, 2nd, must vote the necessary appropriation; and 3rd, the Mexican government must ratify. Pierce hesitated to reject the muchly mutilated treaty. He probably wondered when another, the least bit advantageous, could be negotiated. It was after the Mexican government had agreed to ratify the treaty that Pierce came to accept the document.

The Mexican side of the whole picture is a story in itself and must be reserved for another treatise. Suffice to note that with the reduction in payment Santa Anna felt more inclined to heed the suggestions of the British. The British, however, through Doyle, their minister to Mexico, did not give encouragement to any idea of British concessions for a treaty rejection. Therefore with reluctance Santa Anna agreed to ratification.

Pierce asked for the necessary appropriation from the house of representatives on June 21, 1854. The ways

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22. Rippy, *United States and Mexico*, pp. 153-54. The Art. VIII of the ratified treaty was considered to be a partial victory for the Sloo claimants. It is to be associated with the original Articles III and IV.

23. Garber, *Gadsden Treaty*, p. 126.

and means committee, headed by Houston, duly reported out an appropriation bill of the desired amount.[24]

It was then that the house, resolving itself into a committee of the whole, received its opportunity to reopen the controversial aspects of the treaty. Jones of Tenn., Benton, Bayly, and Jones of Penn., Haven, Phillips, Keitt, Smith, Giddings, Washburn, Boyce, Peckham, Perkins, and others spoke in the house but the most emphatic of them all was Benton, who was an ardent supporter of the central transcontinental route. Again sectionalism was a factor but the national feeling of the need for a satisfactory railroad route plus the domination of the democrats, perhaps, turned the tide in favor of the appropriation with a vote of 105 to 63.[25]

The place of the treaty in the American historical perspective, again, seems to be that it is a part of the westward movement. It was the last acquisition in the Southwest but it was not the last effort to secure territory.[26] The difference fundamentally seems to be that there was a demand for more territory, not for settlement but for a railroad route, whereas the additional territory desired later could not be justified as a part of the needs of the west. While American penetration could even yet result in agitation for additional territory it would have to be a large area to and beyond the southwestern deserts if any substantial American territorial needs could be satisfied.

*State College, New Mexico.*

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24. *Ibid.*, p. 131.

25. Garber, *The Gadsden Treaty*, pp. 144-145.

26. In 1857, Secretary of State Lewis Cass instructed Forsyth, American minister to Mexico, to offer Mexico $12,000,000 for a new line running from the middle of the Rio Grande on the 30th parallel thence due west to the nearest tributary of the Rio Chico or the Rio Hiaqui. Failing to secure any consideration of the offer, Cass, through McLane, the new minister, made an overture in 1859. This offer was for Lower California, the right to a transit across the Isthmus of Tehuantepec, and other privileges. With the sectional issue becoming more aggravated as the election of 1860 was approaching it is a matter of conjecture as to whether a treaty would have been ratified, if passed.

## KIN AND CLAN

*An Interesting Lecture Delivered Friday Night, April 28th, 1882, by Prof. A. F. Bandelier, under the Auspices of the Historical Society of New Mexico, Concerning the Peculiarities and Characteristics of the Indian Race*

From the *Santa Fe New Mexican* of April 29, 1882[1]

THE following lecture was delivered last night before the Historical Society, to an audience which completely filled the Council Chamber. Hon. W. G. Ritch was in the chair and introduced the speaker, A. F. Bandelier, whose researches and investigations among the Indian tribes is promising some exceedingly interesting and important results. Mr. Bandelier has been several weeks living with and among the Pueblo Indians, and comes here from Cochiti, to which point he returns today:

It is a difficult task for one who has as yet devoted but a short time to special investigations in this territory, to address an audience composed of persons, all of whom have the advantages of longer experience in New Mexico; consequently of greater practical knowledge. My appearance before you, therefore, cannot be with the intention of imparting information in the shape of new facts relative to New Mexico. Its purpose is simply to offer a plea of making an appeal in behalf of an institution, which, in your midst, has recently arisen, out of the ashes of its past. This institution is the "Historical Society of New Mexico."

No plea deserves attention and hearing unless it is substantiated by facts. These facts are gathered both from general principles and from details.

The practical value of historical studies has not, as yet, been generally recognized in the United States. They are regarded rather as a matter of taste, of laudable and harmless curiosity, than a matter of necessity.

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1. In this reprint of an early paper of the Historical Society some changes of spelling and format have been made.—EDITOR.

THE MONUMENTS OF THE PAST

are, very often, viewed only as mold, but fit to be "ploughed under" for the benefit of advancing culture. This results in part from the peculiar historical formation of the people of the United States, but largely also from a misconception of the nature and scope of historical studies.

History embodies our knowledge of the development of mankind from its first appearance. There are, consequently, no "prehistoric" times, properly speaking. Archaic periods existed and still exist in certain regions; there are numberless remains of human life and occupation scattered over the earth's surface with which no chronology, no knowledge of the fact of their makers, is as yet connected, still they are historical in the widest and only proper sense of the term. Historical studies are based upon various auxiliary disciplines. Archaeology is one of them, since it aims at resurrection to life of a forgotten past; it emerges into ethnology, which makes the customs and habits, the industry, mode of life, crude beliefs, and social organization of the human race, its special object of study. Ethnography forms the connecting link between history and geographical sciences. These are not all the branches which the historian must cultivate, only a few of the leading ones. The result of his endeavors will be a historical fact, that is, an undeniable truth—therefore a lesson. Is it utterly superfluous to ask: Whether and how far the lessons of the past are indispensable to the present and to the future?

There is no part of the United States offering such excellent illustrations of the value of historical studies, as the territory of New Mexico. Ever since the first arrival of the Caucasian branch, it has stood in the presence here of another ramification of the human race, different in physical features, but much more distinct in ethnological development. Those two groups were, and are, called upon to live with each other, yet they have, until now, failed to understand each other to a great extent. Where there is no understanding, misunderstanding rules supreme, conflicts come, therefore mutual detriment. On the part of the more advanced cluster, extermination has been applied sometimes as a remedy, but whereas it is necessary or rather unavoidable under certain circumstances, as a policy it is always a crime.

There is a wide gap between the Indian and the white man, and, singular to state, the former seldom makes any

effort to bridge or to fill it. It incumbs upon the white man, as the older and wiser brother, to stoop, and therefore, to understand the younger child. The difference between the two groups is not due to physical causes alone, the body of the Indian is not so very distinct from ours. It does not consist in a lack of capacity for handicraft; the Indian is dexterous. He is shrewd and quick to perceive in negotiations to a certain extent. The spell which hangs over him is of a different nature, and while it more or less regulates all his thoughts and actions, it fetters him, until gradually broken, to the inferior position which he now occupies. This chain is his

### Social Organization

When Europeans first began to occupy the American continent, they found the marriage relations of the aborigines in a state of confusion, unexplainable to them. Polygamy was absolutely unknown; in some very rude tribes a peculiarly regulated form of promiscuous intercourse seemed to prevail—in others monogamy with authorized concubinage and apparent incest. Nowhere did the family as we understand it present itself; there always was a barrier between man and wife which extended itself to the customs of house life.

In New Mexico, up to the Indian revolt of 1680, and after the re-conquest war, the men in the pueblos slept in the estufas, the women and children alone occupying the cells of the houses. A similar custom prevailed in Mexico where it has given rise to the myth about "harems" kept by the chiefs. The Incas, of Peru, also observed division by sexes. Among the Iroquois and other tribes of the east it did not probably exist, but it was found almost generally with all sedentary Indians of a higher grade.

This distinction was still more apparent in other divisions. Individual tenure of lands was unknown to the Indians, the lands were communal, as they still are among the Pueblos, and were in Mexico prior to 1857. The little worked plots, however, descended, in both countries, exclusively to the males; the females received nothing. Now it is changed, the lands being divided among all the children alike. In most Indian tribes of a roaming character, whereas the little wardrobe and the household goods of the mother descend after her death to her children, or to her relations on her mother's side in case she leaves no offspring, the hus-

band's gun, his blankets, and similar articles of his own use, generally went to the children, or to his brothers and sisters, or to the sisters of his mother and their offspring in the first generation. At Cochiti, the crops once housed, belong to the wife; the husband cannot sell an ear of corn without her consent, except in the field, but horses and cattle he can dispose of at his pleasure.

A further sign of this division is the strict repartition of chattels. What the wife uses she owns, and so does the husband on his side. As late as 60 years after the conquest in Mexico, the wife was purchased, and with her the cooking utensils, but the latter remained her property, of which she could dispose freely. Any woman of a pueblo might sell the entire kitchen furniture of her house, and none of the male inmates could complain, provided she replaced it. For these rights of property, separate and distinct, are accompanied by an equally precise division of work.

### This Barrier Between the Sexes

extends, as I have already stated, to the children, in the sense that it separates them for either of the couple—from the man if descent is in the female line, from the woman if the inverse rule prevails. But besides it initiates and explains many irregular features of marriage. At the time of the conquest a girl could marry her brother's son, and this (as the Queres, for instance call the children of their brother, "sa-uishe," my children) explains the accusation of incestuous intercourse. Similar relations existed in Mexico and Peru. But the same girl who might marry her nephew on her brother's side, could not take for her spouse any of her sister's offspring, even in the remotest generation. Thus crops out here a division of Indian society into "clusters," based upon common descent.

We have been accustomed to look at the Indian "tribe" as their unit of organization. Such is not the case. The tribe is a mere shell, a co-partnership, formed for defense and subsistence, by consanguine clusters, or kins speaking the same dialect. These Kins, called in Peru, "ayllu," in Mexico, "calpulli," among the Queres of New Mexico, "han-utch," they are the units of society. They are equivalent to the Roman "gens," of the German "sippe," of the Scottish "clan," of the Irish "sept." They are the descendants of a common custom, whose name is generally lost. Their basis

is communism in living, democracy in government. All the offices are elective. In New Mexico they held for life or during good behavior; also in Mexico and in Peru. The Spaniards wisely kept this system, but they changed the term of office, limiting it to one year. It is untrue that there were any Indian monarchies or empires in America. Everywhere the same system prevailed, and nowhere was there any consideration in the shape of a state or a nation. It was impossible on account of the kinships, and these ruled the tribe. The supreme authority was, and still is in the Pueblos,

### The Tribal Council

Previous to the conquest, and sometime after it in New Mexico, this council was composed of one or more representatives of each Kin, elected for life. Now it has changed in so far as the council is composed of the so-called principals, that is, of such men as have once received the dignities of governor, or their lieutenants. (Among the ancient Mexicans the council consisted of twenty members, one of each Kin; among the Incas, of sixteen.) The influence which

### The Kin

thus exercises, is a most powerful one, and one which besides is of ages in duration. It ties and fetters the Indian in all his thoughts, desires and actions. If, on one hand, kinship springs from consanguinity, it rules marriage relations on the other. Intermarriage in the same kin is forbidden, because its members are all regarded as blood relatives; thus husband and wife are always of different clusters. The kin actually dismembers the family proper. It also crushes out, or at least weighs down heavily upon individual aspiration. Any member of one of these consanguine groups is bound to follow in the track of that group, else he becomes an outcast and loses all claims to further support. This is a serious consequence, in the case of an Indian.

It would become far too prolix were I to enumerate here all the rights bestowed and the duties imposed by the organization of the kin upon its members. They frame, altogether, the strongest, most efficacious, and most durable system of communism the earth has yet seen, and as such the most powerful tyranny. With a system of government which nowhere in aboriginal America has deviated from

that of a military democracy, the Indian has always borne the chain of the most terrible moral and mental despotism.

The kin even controls the system of Indian architecture. I shall not trespass here, on ground, which at an early day, a gentleman from your city intends occupying before you, but may state as an introduction to his own subsequent discourse that Indian architecture, from the Sioux lodge to the houses of Uxmal, Mitla and Tiahuanuco, is only understood through Indian social organization.

It is but natural, that the all absorbing influence of kinship should change vastly

THE MORAL CONCEPTIONS

of the Indian, and import to him principles of what is right or wrong which are somewhat at variance with those with which we have become imbued. Theoretically, and practically in many cases, every one who does not speak his own language, is an enemy to the Indian, and it becomes his duty to slay him, or at least to damage him in such a manner that it will result to the profit of his own kinship. The behavior of an Indian towards a stranger is therefore evenly a matter of greater or less ferocity—or of policy. We need not wonder at the numerous instances of theft committed by the aborigines, at the acts of treachery imputed to them in their early intercourse with the white men. Whenever the Indian believed the new-comers to be gods, he received them kindly and often trembling. Such was the case on the American coast. When he was satisfied that they were mortals, he either fled on their approach, or attacked them, or endeavored to catch them in a trap. There is no doubt but that, in Peru, the Incas had laid a snare for the Spaniards at Casamarca. Once established on the American continent, however, the whites impressed the aborigines so much with their superior ability and resources that the latter changed their tactics somewhat and sought to derive profit from that intercourse in a peaceful way. But the innate feeling always remained and remains: That the white man is a theoretical foe, and will not change until the Indian becomes convinced that he himself is a free man and not the slave of a cluster of blood relations.

The cases where great hospitality has been shown by the Indian are very numerous, and these appear to militate against the foregoing. But this hospitality becomes a law

only when it is to be exercised with the approval of the kinship. No stranger could, until contact with the whites had modified the customs, enter any Indian village, whether it was one of the Mohegans, Mandans, the pueblo of Pecos, or the great pueblos of Mexico or Peru, without previous consent of the chiefs, which, as I have said, were the delegates of the kins. In all the Indian towns where I have lived I always asked permission of the authorities first, and when, in Santo Domingo, I remained beyond the time virtually agreed upon and refused to leave after their summons—they starved me out. When the consanguine cluster, alone or through the tribe, had secretly resolved upon the death of a guest, individuals have saved that guest's life only in few cases. The friend of a kin is every member's friend, but friendship is a matter of sympathy and sympathies are variable; whereas kinship is a historical fact based upon physical precedents, therefore unchangeable.

It is one of the curses of the social organization of the aborigines, that it imposes upon the members the obligation of revenge. This obligation, admirably formulated by the late Lewis H. Morgan, as one "of the kin," converts an injury committed upon an Indian into a matter of the whole cluster, and, through the latter's association with other kins, of the whole tribe. This accounts for the incessant Indian feuds and numerous "Indian wars." Murder existed previous to the colonization of America only in the case where one kinsman slew another. The ancient Mexicans afford good illustration of the rules observed. If the deed was committed upon a member of the same kin, the slayer was invariably put to death; if upon a member of another kin, the two clusters negotiated about the price or indemnity. The same took place between tribes, if the victim belonged to an allied tribe. If, however, the murdered man was an outsider, the performer of the act, if the murder had been ever so foul, was often rewarded for it at home.

Indian creed and belief is only understood in its details through Indian sociology. So is the mode of worship. It is more than doubtful whether at any time before Columbus the notion of a divine creation prevailed in America. Generally a duality of original creative power, of different sexes, was believed in. Tribal gods, often historical personages deified, were the figure-heads of worship. They again find their inception with the kin whence, through as-

sociation with others, they have gradually passed into greater prominence. Historical researches in the broadest sense of the word, thus present to us the ruling power of Indian society. While individualism appears as the characteristic feature of modern civilization, communism, more or less prominently developed, stands as the type of American aboriginal culture. The white man acts and lives for himself and those whom he has chosen for his companions—the Indian lives and acts through, for and with his consanguine relationship.

To break the bonds of kinship suddenly is not

### THE PROPER REMEDY

for these bonds cannot thus be severed. A slave can be set free through a legislative act, but no legal stipulations can change at once the system of consanguinity. Such a change has been wrought, but in a long period of time. Our ancestors, more than fifteen centuries ago, had an organization similar to that of the highest developed Indian community. The operation has also been successfully performed on this continent. On the other hand, we have seen Indian tribes advancing gradually into civilization, and keeping all the while their kins. Before attending to these historical phenomena, I must allude to another one yet—the fact of

### A TRIBE LOSING ITS KINSHIPS

and descending the scale of humanity from a higher stage of culture to a lower one.

The Sioux, or main band of the great Dakota stock, are now a roving tribe, with hardly any tillage of the soil. They have no kins, their family is often coupled with concubinage, the wife is at the lowest round of the ladder. In the past century they were semi-horticultural Indians, almost sedentary, and were organized into kinships. A marked decline has taken place within the last 150 years. When the Sioux were first met with, they occupied the upper part of the Mississippi valley, and thence made their raids south and east. They were, like the Iroquois, and still are, an active, ambitious and remorselessly fierce stock. After the purchase of a portion of the land, through the agency of Jonathan Carver, they removed to the west towards the prairies, and then began to use the horse. They improved the great facilities afforded by this swift animal, so as to extend their roamings over vast distances then uninhabited and not fit for the abode of man. Thus the tribe became

scattered and the kinships broken up in course of time. The result has been decline and degradation, for the organization into consanguine clusters is not by far the lowest level to which humanity may sink. Several groups of Indians have been slowly and steadily progressing into a more

### Advanced Stage of Civilization

while at the same time they cling to their original system of society. Besides the Pueblo Indians of this territory, who are the least advanced, owing to the isolated position of New Mexico, until a few years ago, the Iroquois of New York and the tribes of the Indian Territory are the most conspicuous.

The Iroquois owe their preservation mainly to two causes. The first is the great military power which they had acquired over nearly the whole of the region now called the United States, east of the Mississippi river. This was due to the expansion of the series framed by the kinships into a league or confederacy, comprising five autonomous tribes. The other cause is their situation in the confines of natives who have successively contended for the mastery of North America. England and France, then England and the United States mutually courted the five nations. Nevertheless the latter steadily decreased until about 30 years ago, when they came to stand still and since have begun to increase again. At the same time they began to show decided marks of improvement in acts of life. With these improvements the kin gradually lost its hold upon the individual. Individualism began to rise above communism, and while the consanguine cluster still remains, it is not any longer a many-headed despot; it has become softened into a brotherhood, preparatory to initiation into that widest and most natural association, the great brotherhood of mankind.

If the tribes of the Indian territory are left undisturbed, a similar result may be expected there. Thrown together but lately, although some of them were already neighbors long ago in other districts, the example of their surroundings is gradually improving the advances made previously. Their original numbers together with their geographical location, as between the English and French at first, then within the United States bordering upon French possessions in the Union afterwards, has saved them from utter ruin, and has made it the interest of civilized nations to cultivate peaceful intercourse as much as possible. The

time will come when the Kin will lose its hold upon the tribes and they shall enter the path of civilization on a level with now advanced groups of humanity.

But the most interesting, and, as far as the lessons of history are concerned, the most valuable spectacle, is presented by the Indians in the present republic of Mexico. At the time of the conquest, and, as far as we know, even before, the aborigines of that country composed a number of autonomous tribes, linguistically varied. No consolidation, no nationality had ever been formed or merely attempted. In some parts, as in the Valley of Mexico proper, confederacies had sprung up for the purpose of subsistence. Self-defense as well as aggression was their object. Tribes unfavored by others were not incorporated, but simply kept in awe, and tribute extorted. The normal state of the country was, therefore, one of perpetual warfare. The sedentary Indian of Mexico was, in many respects more advanced than were the Pueblo Indians, but not one of these improvements had carried him beyond the pale of original communism. The "mysterious advances" so lavishly credited to the aborigines of Mexico and Central America resolve themselves, upon close study of the past and present, into features of natural growth. The conquest came and placed in power of each other those groups of mankind, separated in degree of culture by the work of at least a thousand years. The dilemma was a grave one for Spain. How to preserve the country and its inhabitants without forcing the latter across the chasm of divide, a leap, when they must invariably have been engulfed, since they lacked moral and mental strength to accomplish it. Twenty years were spent in various essays, and during these twenty years the Indian suffered, for he was the material for the victim of every luckless experiment.

At last, however, the

### Counsels of the Church Prevailed

and every Indian community was permitted to take its own course, provided it kept at peace with the others, and recognized the Spanish government—supporting it through a limited taxation, and adopting the Christian faith. The remainder were left to the teachings of example, and to very slow and cautious education through instrumentality of the church. The results of it are apparent. For 250 years, at least, the Indians of Mexico, formerly in

uninterrupted warfare, enjoyed the most profound, nay enervating peace, some savage tribes excepted. Within 60 years after the conquest, Indian historians and Indian poets of merit appeared. Some of them wrote in their native idioms with our letters. At the present time, every trace of the Kin has disappeared, communal tenure of land is abolished, and the tribes are distinguished only through language and tradition. As these traditions became public property of all, they lose their practical hold. The Indian of Mexico, besides being a Nahuatl or an Otomi, or a Tzapotec, now feels that above all he is a Mexican; the civil as well as the military government of his country was largely in his own hands; he counts in his ranks persons of literary and scientific distinction.

These beneficial effects of the Spanish policy have even thrown a faint gleam of light over into this territory. They are faint because New Mexico was always a forlorn hope to Spain. But in this respect also they place the territory for historical studies in a similar position as a metallurgic region, when eruptive and sedimentary rocks meet. In the same manner that geological contrast lines develop the most perfect crystals and sometimes the most valuable ores, so historical contrast lines produce the richest material for future investigation.

To unearth this material and to reduce it to clear bullion in the shape of practical lessons is the task of the society to whose call I have now so feebly responded. Let me, therefore, once more appeal to you in its behalf. Should my plea result in anything like active support, I will have discharged but one of the many obligations under which I am placed by the kindness and friendship of the people of New Mexico, irrespective of origin and nationality.

# CLANS OF THE WESTERN APACHE*

*By* GRENVILLE GOODWIN

THE work upon which this paper is based was mainly accomplished in the years 1931 and 1932, under the auspices of the University of Arizona, on the San Carlos and Fort Apache reservations, and among those Western Apache who are now living at locations off these reservations, in the area between the towns of Globe and Miami on the south, and Clarkdale and Camp Verde on the north. This study of the clans has been made in the course of a project, the aim of which is to prepare a record of the Western Apache, that will be as complete a report on the ethnology of these people as it is possible for me to obtain.

By the term Western Apache, are included those true, similiar Apache Groups, who in the past have made their homes entirely within the present state of Arizona, and who still reside there. These similiar Apache Groups of Arizona were five in number, and I call them here the White Mountain, Cibecue, San Carlos, Southern Tonto, and Northern Tonto Groups. The five Groups mentioned are more like to each other than to any other Apache people, and as the difference between them and other Apache Divisions is apparently quite distinct, they have been designated by the name "Western Apache" to distinguish them from other Athapascan Peoples of the Southwest. As is seen, the Chiricahua Apache, who originally resided mainly within the present state of Arizona, are not here included, the reason being that they are apparently somewhat different, and at the present time do not seem to belong with the five Groups of the Western Apache. The five Groups composing the Western Apache, themselves, were quite independent of each other in former times, and each constituted a distinct unit, which went under its own Apache name. These Groups were separated enough from each other, so that

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warfare on a small scale between certain of them was not unknown. All of the five groups had their clans.

Among the five groups of the Western Apache were sixty-one distinct clans. Five of these clans had sub-divisions in them. Each Group did not have all of the sixty-one clans. It had only a part of the sixty-one; first, those clans which had migrated into the territory of the Group and settled there; second, those clans which had originated within its territory; and third, those clans which had been introduced by intermarriage with the people of other Groups. By "clans which had migrated into the territory" is meant those clans which according to tradition came into the territory of the Group already formed, and under their present clan name. By "clans which originated within the terriory of the Group" is meant those clans which claim to have formed and to have acquired their present name after they had settled within the territory of the Group. By "clans which were introduced through intermarriage" is meant those clans which the Group acquired through the marriage of some of its men with women of other Groups who were members of outside clans, and the rare instances of these outside women coming to live with their husband's people (it being customary for the man to go to his wife's people) and there raising their daughters as members of the husband's Group, so that the daughters perpetuated their outside clans within the Group, as descent always was reckoned through the mother. Of these three types together, the White Mountain Group had twelve clans, the Cibecue Group twenty-two, the San Carlos Group thirty-three, the Southern Tonto Group twenty-five, and the Northern Tonto Group sixteen. Of the sixty-one clans, thirty-one were limited to their own Group. That is, each of these clans existed only in one Group. The thirty other clans existed in two or more of the Groups, being varyingly interspersed. At the present time only four of the sixty-one clans are extinct, but quite a few others are almost gone.

Each clan goes under its own name. The name of one clan is the same in any Group, except where there are slight differences in pronunciation, due to the dialectic variation of speech between Groups. These clan names almost always have to do with some location, where the nucleus of the clan first settled and became a unit. The name of the place where people such as this first settled might be "Narrow Water", "Red Willows", "White Rock", etc. If the people living at one of these places took their clan name from it, the name would be "Narrow Water People", or "Red Willows People", or "White Rock People", etc. Some of the clans had names which alluded to certain habits of their people, such as, "they-color-yellow people", given because the people of the clan always dyed their moccasins yellow. But this characteristic type of clan name is not so common. What these clans really seemed to have amounted to originally is small bands of people, each living at a certain location from which they took their name, and each forming an integral unit by itself. But they have come to mean more than that, for they are true clans and do not take the name of any new place where they may settle. The people of one clan may bear the name of the place at which their clan formed, yet when they move away from there, to other places, they still retain the name of that first location. People of a clan could be living at a place two hundred miles from the location where their clan received its name and yet retain the name of that location, even though they might have moved from there many generations ago and never have gone back. Clan names always serve as an introduction between Western Apaches, and one person can place another almost at once, upon knowing the clan to which the stranger belongs. They are like old and well known family names in a rural district.

All clans were matrilineal in descent, and a child always took the clan of its mother and never of its father. Within a clan, all members were considered as blood relatives to each other. The members of one clan, where they knew one another fairly well, always acted as blood rela-

tives, and addressed one another as such. Thus people of the same generation were brothers and sisters; people of one generation, and the generation preceeding it, bore the relation of nephews and nieces, to uncles and aunts; and people of two generations apart considered each other as grandparents and grandchildren. All this feeling of relationship made a very strong bond between members of one clan, and it was the strongest single tie that seems to have existed among these people. Because men and women of one clan were blood relatives, they could not marry each other. Marriage within a clan was not countenanced. It had to be outside the clan. Members of one clan had to stand by each other in times of need, as blood relatives should. If it was a case of avenging some wrong perpetrated upon a person, that person's clansmen would be expected to act and see that the wrong was righted, or the guilty one punished. In cases where members of one clan had been wronged by other people, if it was necessary the whole clan might be called together in concerted action. An Apache traveling among other Apaches could go to members of his clan for food and lodging, even though he might be a total stranger to them. If he stated that he belonged to the same clan as they, they would want to care for him and see that he had what he needed. The real unity and power of a clan lay within the blood relation of its members to one another. There was no clan government or law, beyond the laws governing blood relatives. There was no one head chief of all the members of the clan. Instead there might be two or three chiefs in a clan, each with equal power, and that power extending more to his immediate family and followers than to his whole clan.

Among the different clans there is a varying interrelation; that is, one clan may be related to another clan, or to several other clans. Sometimes these related clans form a set, say, of four clans, and these four clans may be related to no other clans. Again such a set of clans can bear relation to another clan or clans, which in turn, not only

bear the relation to the first set of clans, but also bear a relation to a third clan or set of clans which has no relation to the first set. The whole system is a most confusing one, and it is not unknown for one clan to be related to three sets of related clans, none of which three are related to each other. However, with a little effort, it is possible to align the interrelations so that they make sense. Members of closely related clans were supposed to observe the same obligations and customs of blood relationship with each other which existed between members of one clan and which have already been mentioned. However, between members of distantly related clans, the bond was not so close and was less in observance. Marriages between members of distantly related clans sometimes did occur and were allowed, though not always approved of.

The reasons for the interrelation of the clans is a most interesting point. The people themselves give three. These three reasons are: first, that certain clans are related to each other because, when they first entered the historical territory of the Western Apache, they were already related; second, certain clans are related because one clan has sprung from the other or the clans have originated from a common ancestor clan; and third, because one clan has resided in close proximity to another for a long period, and so much intermarriage has taken place that the two clans have become related. The interrelations of clans take us back to legendary times and the ancient myths concerning the clans and their migrations.

Clan legend is an important point in the interrelation of clans, for it seems the only possible way to account for certain relations which existed between clans. However, due to the possible vagaries of legend, this work was first tackled from the material side of the clan system, the one which has been in action within the lifetimes of old Apaches now living; and after that was done, the legendary side of the problem was fitted to it. To say the truth, though, not much fitting was necessary. The clan migration legends

are usually quite distinct and certain in their statements, and moreover these legends pair well with actually known material facts. They go back over a great length of time, and the people used to set great store by them. If for no other reason than that they are the Apache arguments for existing facts concerning clans, it is well worth while to take heed of them. The influence these legends had upon the people can be easily seen when we know that certain clans (who according to their legends were related, but who had not observed that relation for many generations because of their wide territorial separation from each other, due to migrations) again recognized these relations, upon their members being centralized at the agencies in early reservation days and coming in contact with each other once more. The reestablishment of these clan relations was due to the comparison of old clan legends, about the winter campfires.

Clan legends, even among widely separated Groups of Western Apache, are remarkably similiar in their statements. According to these legends most of the sixty-one clans have originated within the historical territory of the Western Apache. That is, they originated from those root clans which did not originate within the Western Apache territory but which were already formed and unified when they migrated into the Western Apache country. Thus, the sixty-one clans can be narrowed down to twenty-six root clans, from which all the rest claim to have split off, to form new clans. Of these twenty-six root clans, all but three claim to have come from north of the Little Colorado river, in an area between the district northeast of the San Francisco Peaks on the west and Zuñi on the east. Of the three which did not come from that area, one claims to have come from the west, in the region of the Mohave country, near the Colorado river, and the other two claim to have come from the Apache Mansos, south, in the region of Tucson. Moreover, the Western Apache claim that among the Navajo people, living just north of the Little Colorado river, there existed within historic times, six of these root

clans, which went under the same names as their Apache counterparts. Besides these, there are five more root clans of the Western Apache who claim to be the same as two existing Navajo clans; that is, they at one time were called by one of these two Navajo clan names, but many generations ago split up and acquired new names, south, in the Western Apache country. This leaves the origin of twelve root clans who claim to have come from north of the Little Colorado river, yet unaccounted for. However, it seems that with more study it will be possible to account for the legendary origin of at least some of these twelve, and maybe further to limit the number of root clans among them.

It is interesting now to turn to the relations which have existed within historic times between the Western Apache clans and the Navajo clans. There still was kept up the relation between the Western Apache clans and those Navajo clans who were identical with them, or from whom certain of them claimed to have originated. That both Apache and Navajo took advantage of these ancient clan relationships, when in contact with each other, is quite apparent from what the old people say. Moreover, any clans of the Western Apache, who bore a close relation to one of the root clans related to Navajo clans, also considered themselves as related to those Navajo clans. Thus any member of a Western Apache clan, who was related in one of these ways to a Navajo clan, treated the Navajo members of that clan as blood relatives in times of peace, and could not marry one of them.

Just when the root clans of the Western Apache moved into the land to form the Western Apache Empire, so to speak, is rather difficult to estimate, but it must have been at a period long ago. Maybe at some future time further light can be thrown upon this question, through a greater knowledge of the people concerned. In concluding I merely wish to say that this paper could be fifteen times as long as it is, and yet not take in all that could be written concerning the Western Apache.

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# DICTAMEN OF PEDRO GALINDO NAVARRO, AUDITOR DE GUERRA, OF DEC. 7, 1795*

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*Introductory Notice.* Under number 1351 of the Spanish archives in Santa Fé, New Mexico, I happened to find a document of far reaching interest. It is a *Dictamen* (judicial opinion) of the *Auditor de Guerra*[1] sent on Dec. 10th, 1795, to the governor of Nuevo Mexico.[2] The opinion is composed carefully, in precise technical terms and in a wide spirit of general doctrine, so that it is able to give us information beyond those questions (raised by some rather ordinary circumstances) which provoked the *dictamen.* These very circumstances, however, require an analysis of the first two folios, in order to be clearly understood. And as they are typical ones, and present a curious picture of social and economic life in the Spanish provinces, they are worth analysis. At the same time their study will give us an opportunity to look at some characteristics of the spirit of Spanish legislation. This will be the topic of the present paper.

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*Manuscript No. 1351 [1351a], Museum of New Mexico at Santa Fé. I should like to express my profound gratitude to the members of the department of history of the University and of the Historical Society of New Mexico for their cordial assistance in everything concerning my research. Especially am I grateful to Professor Lansing B. Bloom. I should like to take this opportunity to express my appreciation of the hospitality and fine spirit of co-operation I met in the United States.

1. *Auditores de Guerra* were officials of the military juridical body. They were always attached to the staff of Captain General of the province, Commanding General of the Army, etc. They pronounced official judgments in the matter of interpretation and application of laws. Galindo Navarro was such a high official, attached to Pedro de Nava, the *"commandante general"* of the Internal Provinces. Nava had his capital in the City of Chihuahua and was wholly independent of the viceroy of New Spain in Mexico City.

2. Lieut.-Col. Fernando Chacón was governor of New Mexico from 1794 to 1805.

The Post of Guajoquilla was not in New Mexico but in the Province of Chihuahua, some miles southeast of Santa Rosalia. Copies of this *dictamen* were sent to the governors of all the Internal Provinces, to regulate any similar cases which might arise.

In addition the *dictamen* contains an official explanation of an important domain of Spanish colonial policy, the organization of military garrisons and settlements, and gives us evidence of some characteristics of social and economic conditions then prevailing. The latter are of more than local interest. Such information, concerning these conditions, may very well already be known by students of that period, and in any case it may be obtained from other sources than this document. But the fact that these conditions are mentioned in connection with the problem examined by the Auditor de Guerra, is significant. We have an official interpretation of legal rules mentioned in the *dictamen* and concerning the distribution of property left by deceased soldiers. Since these soldiers often left widows, the question concerns one of vital institutions, namely the regime of property between husband and wife,—the Spanish community property. At the same time, it concerns the social function of a limitation of the community by the rule of "bienes castrenses"—*Nueva Recopilación*, Lib. V, Tit. IX, ley 5.[3] Thus the above mentioned problems which are to be studied on the basis of the manuscript No. 1351 are at the crossroads of history, law and sociology.

We shall examine the contents of the *dictamen*, establish its elements, classify these elements, and reintegrate them in their true historical relationship.[4]

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3. I quote now the last Spanish Code (1567) at the date of the *dictamen*, without mentioning the sources of the former.

It is rather curious, that the rule of "bienes castrenses" has never attracted due attention of American Courts after the reception of the institution of Community Property in some of the Southwestern and Western States; most probably because of the somewhat deceiving character of the term "bienes castrenses" translated generally as "military" property. Of the eight States, where community property is adopted, this rule would be interesting from a practical point of view as we shall see later, for Texas, and may be especially for California (e.g., hypothesis of Beard vs. Knox 5. Cal. 252 of 1855) thanks to the peculiar character of social and economic conditions of the Pacific Coast, and the difficulty of communication from coast to coast in the middle of the XIX-th century, but it was not unimportant in New Mexico, Arizona, and Nevada as well.

4. As far as possible I shall limit myself by the present document. Only necessary references, quite unavoidable ones, like fundamental texts of Spanish Law will be found below. The present paper is *par excellence* the study of the text, the study of this manuscript.

## I.

### The Chaplain's Case in the Puesto de Guajoquilla

*Preliminary observations and the text.* The text concerning the circumstances which provoked the dictamen, and the rules given by the Auditor de Guerra for the solution of the question, I reproduce below *verbatim* in its original orthography, and with indication of the lines of the manuscript. Numbers: 5, 10, 15, 20, indicate corresponding lines. The text includes the second and third folios of the manuscript, the first one being a letter of the commanding general Pedro de Nava accompanying the circular in which is found the dictamen:

Haviendo ocurrido duda sobre la parte que deben recivir los capellanes delas tropas de estas provincias quando mueren algunos Individuos de ellas dejando alcanzes para aplicar sufragios por sus Almas, ha expuesto el Señor Auditor de Guerra el Dictamen de que acompaño a VM copia con la de mi Decreto de conformidad; para que VM observe las reglas que abraza en los casos que ocurran en esa Compañia.

Dios guarde a VM muchos años. Chihuagua 10 de Diciembre de 1795

Pedro de Nava (rubric)

[to] Sr. governador del Nuevo Mexico.

Thus there existed doubt as to the proportion of the property of deceased members of the army which should go to military chaplains for the performance of requiems. The *dictamen* was destined to eliminate this doubt, and the high command sent it in the form of a circular with an order making its execution mandatory, *Decreto de conformidad,* in the cases for which the *dictamen* provides. The text follows:

/Fol. II, p. 1/ Señor Commandante General=En las funciones, y Ataques/de los dias 3 y 6 de Agosto proximo, murieron en cam-/paña á manos delos enemigos, un cabo, un carabinero,/y ocho soldados dela primera Compañia Volante, que /5/ guarnece el Puesto de Guajoquilla: Dudando su Capitan/Don Antonio Garcia de Texada, la quoto o cantidad/que deva entregarse á el capellan, para que la invierta/en Misas, y Sufragios, á beneficio de sus Almas, re-/fiere en oficio de 30 de octubre que haviendo reco/10/nocido las quentas delos

Libros Maestros anterio-/ res no guardan uniformidad por que en unas se/les abona la tercera, y en otras la quarta parte/delos alcances delos difuntos, incluyendo en ellos,/no solo su haver sino es tambien las Caballerias/15/y Armas, que dejaron por su fallecimiento, y con/este motibo solicita que se le prevenga lo que/deva egecutar.

Los Entierros, Funerales, Misas, y Sufragios,/por las Almas delos Militares, que mueren con/20/testamento, deven arreglarse álo quo hubieren an-/dado en sus clausulas ó álo que en su nombre/Fol. 2, page 2/dispusieren los Albaceas, áquienes comun y general-/mente conceden facultad para ello: Este primero elemental, y notorio, no admite duda racional y fundada,/y para que lo sea, la que ha ocurrido á el capitan Texa-/5/da, se ha de contraher forzosamente, á unos Militares/que tienen in Guajoquilla sus familias y herederos co/ nocidos, y que han muerto en campaña, sin testamento/ni otra disposicion alguna, y asi se infiere del contexto/de su oficio, aunque no lo afirma con la claridad corres-/10/pondiente./

Por el articulo 16 titulo 13 del Reglamento de Presidios/se previene, que siempre que muera un soldado, de cuia/quenta resulta alcance á su favor, y no ubiere hecho/disposicion alguna, ni declarado herederos, se solicite/15/saber si los tiene y no encontrandolos, se disponga de/él á beneficio de su alma, con intervencion y concocim[ien]to/del Capitan, y que en este caso corresponden las tres/quartas partes del alcance á el Capellan, y la otra/deve darse de limosna: Con esta disposicion conviene/20/substancialmente los articulos 12. tit.° 10 y 12 tit.° 23 tra-/tado 2° dela ordenanza general del egercito el 7.8.9.11 y/12. tit.° 11 trat°8° y la Real orden de 20 de Julio de 1779/ que los manda guardar, y cumplir, con la prevension/Fol. 3, page 1/ de que segun los fondos, y circunstancias del Militar/difunto abintextato, sele hagan el funeral y entierro,/encargandose á el capellan, la Celebracion delas Misas/que se acuerden de sufragio o á lo menos su quarta/5/parte, y haviendose constar en forma su complimiento; /y aunque por otra de 31 de octubre de 1781, para que/no se defrauden á los capellanes los derechos que le-/gitimamente les corresponden como propios y verdade-/ros Parrocos de sus respectivos Cuerpos, se derogó el/10/articulo 3° dela antecedente, y se hicieron otras declaraciones relativas á el asunto, en los demas par/ticulares quedaron en su fuerza y vigor sus disposi-/ciones, y deven tener observancia, y cumplimiento.

Estas son las reglas prefinidas en la materia, y á/15/que deve arreglarse el capitan Texada, sin embargo/dela abusiva pratica que refiere haverse introducido/en Guajoquilla. Los cadaveres del Cavo, Carabinero,/y ocho Soldados muertos á manos delos enemigos/quedaron esparcidos en el Campo, y no seles pudo dár/20/Sepultura Eclesiastica, ni hacer funeral alguno, en su/consequencia corresponde

**solamente á el capellan, la/quarta delas Misas y Sufragios, que hayan de/Fol. 3, p. 2/aplicarse á beneficio de sus Almas: Por la Ley 16 tit.° 4°Lib°/5° dela nueva Recopilacion de Castilla se ordena y manda,/ que los bienes y herencia delos que mueran abintextato/absolutamente se entegren integros, sin deducion alguna/5/álos Parientes que deban heredarlos segun el orden de/suceder que disponen las Leyes del Reyno, deviendo los/referidos herederos hacer el entierro, exequias, Funerales/y mas sufragios, que se acostumbren en el Pais, con arre-/glo ála calidad, caudal, y circunstancias del difunto/10/ sobre que se les encargan las conciencias, y en el caso/solo de no cumplir con esta obligacion los herederos,/seles manda compeler áello por sus propios Juezes, sin/que por dicha omision, y para el efecto referido se/mezcle ninguna justicia Eclesiastica, ni secular, en/15/hacer Imbentario delos bienes; y no siendo los here-/deros delos Militares muertos abintextato de condici-/on inferior ála delos Paisanos que se hallan en el/mismo caso, deve cumplirse indistintamente con unos/y otros la expresada Ley, mayormente quando lejos/20/de oponerse es conforme su disposicion ála delos art[icul]os/de Ordenanza, Reglam-[en]to de Presidios y R[eale]s or[dene]s que van citadas . . .**

1. Circumstances, which gave rise to the *dictamen.* Case in Guajoquilla.

On August 3rd and 6th, 1795, the first flying company (compañia volante) of the garrison of the Puesto de Guajoquilla, under the command of Captain Don Antonio García de Texada, effected certain military operations. The company lost one corporal (cabo), one carabineer and eight soldiers. The question was raised as to what quota of the property, left by the killed soldiers, was to be delivered to the chaplain for burials, obituary masses and prayers for their souls. Meanwhile the bodies remained on the field without ecclesiastical burial (F. III, p. 1, lines 17-20). And the captain himself hesitated, since "los Libros Maestros anteriores" furnished varying precedents. The accounts showed sometimes a third part, sometimes a fourth of the "alcance"—(balance left), including horses and arms. Then by a report of October 30th Don Antonio García de Texada asked for instructions as to what he should do in these circumstances. That is all we know from this document of the events of Guajoquilla which provoked the *dictamen.*

The striking feature of these events is the fact that the bodies remained without burial; meanwhile there was a discussion about the quota of the property to be received by the chaplain, who seemingly did not want to begin masses and the other necessary rites, before the question of what was due him had been settled. There is however an expression which seems to indicate that the question was not as simple and brutal as it may seem: "the quota or quantity which is to be delivered to the chaplain, in order that he convert it into masses and prayers"—*para que la invierta en Misas y Sufragios* (1. 6-8). Nevertheless many a question requires an answer. Who was interested in the question of the quota? Who raïsed it,—the chaplain? Why was there a discussion? Why did the bodies remain unburied for a time? and so on and so forth. Some answers will be found directly in the reply of the Auditor, who found Texada's report not very clear, but who was *au courant* (familiar) with such questions and therefore could easily understand what had taken place. Certain other questions require a further analysis of the text.

2. Recapitulation of the rules given by the Auditor.

A. The interments, funerals, masses, and suffrages for the souls of soldiers who died leaving a will, are to be regulated in conformity with what they had prescribed in its clauses, or in conformity with what testamentary executors should dispose of in their names . . . "This first elementary and well established [rule] does not admit of any reasonable doubt," and as to what had happened to Captain Texada, one must necessarily conclude that soldiers were concerned, who had in Guajoquilla families and known heirs and who had died on the battlefield without testament or any kind of disposition (mortis causa), this being implied in his (Texada's) report, although he does not state this with due clearness.

B. In conformity with art. 16 tit. 13 of the *Reglamento de Presidios,* if a soldier whose account showed a positive balance, should die and should neither make a dispo-

sition of any kind nor declare heirs, and there should be no claims against it *(alcance)*, one must dispose thereof for the good of his soul, with the knowledge of the captain. And in this case three-quarters of the balance is due the chaplain and the rest is to be distributed as alms. With this provision substantially agree the articles . . . of the General Ordinance of the Army and the Royal Order of July 20th, 1775, which provides for their execution, taking into consideration funds and circumstances of the soldiers deceased intestate . . . so that if the chaplain is charged with funeral services at least a quarter of the "alcance should be granted him . . . and chaplains should not be defrauded of these legal rights" . . . there is a derogation of the art. 3 and other declarations which remain in vigor, etc.

C. On the second page of the third folio we find however a quotation of the common law[5]: Book 5th, tit. 4th, law 16th of the *Nueva Recopilación,* which provides that inheritance of those deceased intestate should be concentrated whole, and without any deduction, in the hands of relatives, to whom inheritance is due in conformity with the order of succession established by the laws of the Kingdom. Funeral services, interments and so on, customarily performed in the country, are incumbent in this case upon these heirs. They should accord with the position, estate, and circumstances of the deceased. In the first instance these services will rest upon their consciences. Only if the heirs fail to comply with this obligation, they are to be forced thereto by proper judges. Without this omission no ecclesiastical nor secular judicial authority interferes in making an inventory of the property. And no heir of soldiers deceased intestate should be in a condition inferior to that of civilians in the same case. The above mentioned law (i.e. Ley 16th etc. of the *Nueva Recopilación)* shall be applied without

5. Common law in the acceptation of "droit commun," that is to say not particular laws and rules, like "Reglamento de Presidios" or "Ordenanza General de Ejercito", destined to be applied to military garrisons and the army. but common rules of civil law, as applied to all citizens.

distinction to the ones and the others, especially when, far from opposing itself to,—this common rule of civil law conforms with, that of the articles of "Ordenanza," "Reglamento," etc.

Such is the explanation by the Auditor de Guerra of the rules to be applied in the matter of the quota due chaplains for funeral masses and prayers.

In order to understand what happened in the Puesto de Guajoquilla, let us now see what the somewhat heterogeneous rules, recommended by Don Pedro Galindo Navarro, mean. A juridical method sems to be indispensable.

3. Theory of chaplain's quotas.

What is indeed this fourth or third part, which provoked the perplexity of Captain Texada, and in the absence of which the chaplain of the First Flying Company refused, as it may seem, to perform obituary masses and funerals? It is difficult to admit however such an unbelievable thing, that a military priest simply refused to bury killed soldiers of his flock, and even if we suppose it, it would be hardly comprehensible, that a higher military authority did not compel him to do so. There was certainly either a conflict of jurisdictions or a conflict of claims. An examination in turn of three hypothetical cases, each one illustrating one of the three types of legal rules mentioned above, will inform us about this conflict, with no less precision than the evidence of an eye-witness.

A. First hypothetical case. There is a will. Principle: The remuneration of priests is freely determined by a will, either by its explicit clauses or by a testamentary executor. The liberty of the testator or his executor to determine the amount of remuneration to the priest is complete—no fixed rate at all.

The social background of the principle.

A highly developed religious feeling existed within Spainsh society. The salvation of the soul is as a rule a question of, at least, no less importance than a nomination of heir and a disposition of property *mortis causa.* The

only effective and, so to say, patented means of salvation are obituary masses, prayers, and so on. Then if there was a will, no doubt the testator thought that every contingency had been provided for. And as a matter of fact Spanish wills, even recent ones in New Mexico, often begin with a kind of "Credo" and in the name of the Trinity. The law has nothing to do but to enforce the execution of the will, and the legislator assumes this same attitude.

B. Second hypothetical case. No will. Principle: If there are no heirs at all, three-quarters goes to the chaplain and one-quarter is to be distributed as alms. If there are heirs, *at least* one-fourth goes to the chaplain.

There is a fixed rate, and only the minimum limit is indicated: *á lo menos su quarta parte.* In whose interest is this rate established? It is not, in the spirit of law, for the sake of the priests, but quite certainly in the interest of the deceased. It is clear from the statement about the first case, and this will be confirmed by the third group of rules.[6]

In the first case the question of remuneration is left by the legislator to the discretion of the testator and his executor. In the third case, no inferiority of soldiers as compared with civilians is admitted, in the matter of inventory. All special military rules which are derogatory of common civil law rules are nothing but a privilege of members of the army. And the rule of October 31st, 1781, "para que no se defrauden á los capellanes los derechos que legitimamente les corresponden" is not designed so much in favor of chaplains themselves, but is directed against the tendency of relatives to escape from their duty and to diminish this legal quota, diminishing at the same time the chances of soldiers, killed in action, to achieve the salvation of their souls.[7] The quotation of the ordinance of October

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6. In practice priests naturally tried to take advantage of this provision, and as a matter of fact they were entitled to, but the thought of the legislator is no less evident. Besides, as we shall see later, the economic conditions of the secular clergy seem, if not to justify, at least, to make comprehensible such an attitude.

7. Later we shall see that the question was of some practical meaning, especially as regards colonial country. A "forty days requiem," e.g., requires besides assiduity of a priest expenses on tapers, incense, and so on and so forth, the cost

31st is preceded by a characteristic hypothetical case, where it is to be applied: "Se le hagan el funeral y entierro, encargándose á el capellán, la celebración de las Misas que se acuerden de Sufragio ó á los menos," etc.

Social background of the principle.

It reminds us of well known examples in medieval history. No doubt it goes back to the middle ages. But it is readily comprehensible in a society with a highly developed ritual life and religious feeling. As regards the middle ages let us remember for instance Pope Calixtus III's bull to the king of Castilla, Henry IV, in which the Pope promises to those people who would engage themselves in the king's army absolution for all sins and to those killed on the battlefield dispensation from purgatory,—a royal remuneration indeed for poor sinners. It was a kind of crusade. In this case it was the Holy See, which being interested in promoting this kind of activity, granted the recompense. In our case the question was one of secular power, which can act only indirectly to eliminate, as far as possible some unfavorable consequences (risk of death without absolution) connected with an activity, useful for the State and society. In our case it is not then a recompense, but merely a particular situation of the group whose business is war, and whose principal virtue is to be courageous and to brave death. Society needs their courage, and the legislator is preoccupied to conform the legal solution of the question with beliefs and usages, prevailing in society.[8] The knowledge that, in the case of their sudden death, their souls would not be forgotten, even without special care on their part, ought to have been comforting for soldiers, and corresponded to wide spread conceptions.

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8. I do not assume that the legislator did not share these beliefs. Generally we are not here concerned with questions of religion. Our aim is to establish clearly the mechanism of some juridical rules in connection with ideas and patterns of behavior in a given place and time, i.e., to reintegrate them historically and sociologically.

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of which in the remote localities was high enough. Who has to pay for them?—the expression "encargándose á el capellán" is rather suggestive.

The legislator places himself in the position of deceased soldiers. The regulation of the rates of payment is inspired by the idea of a substitution of these rules for the absent will, and this explains the high quotas provided for the performance of obituary masses. A Catholic soldier was presumed to be anxious about his soul, and to be particularly interested in the careful performance of rituals. The legislator takes the same attitude, substituting his rules in the place of the absent will. In the case of the absence of heirs the State declares itself not interested at all in the succession (the rarest case I know), and all the balance is distributed for the sake of the salvation of the deceased's soul: three-fourths for burial and obituary masses, and one-fourth distributed as alms.

If there are relatives, i.e. heirs, the legislator distributes the balance, again conforming to the supposed intentions of the deceased. Interests of relatives are considered indeed only from the point of view of the deceased. His soul is protected even against eventual pretentions of family: "a lo menos su quarta parte." With the question of relatives we come to the Civil Law and to the

C. Third hypothetical case. No will. There are families. (Common rule of Civil Law). All inheritance goes to relatives. The question of the remuneration of priests, which is secondary in this case, is freely determined by relatives of the deceased. There is no further need of direct intervention on the part of the legislator into private affairs of private individuals. He intervenes indeed when there is an infraction of the common rules of decent behavior, when the relatives do not conform themselves at all with the elementary requirements of usage, "en el caso solo de no cumplir con esta obligación," when they defy this obligation to comply with the established social order. Then and only then the State interferes, this time not for the sake of the deceased, to whom special attention is legally granted, but for the sake of maintaining the order.

Except in that quite unusual case where the relatives do not comply with the obligation to bury decently the deceased, no judicial authority *(justicia)*, neither ecclesiastical nor secular, will interfere "en hacer Imbentario de los bienes"—in making an inventory of (inherited) property. This inventory is made in order that one may have recourse to this property, from which the necessary expenses are to be recovered.

Principle: The heirs of soldiers should not find themselves in a condition inferior to that of the heirs of civilians.

The legislator, as we have seen, introduced the rate of remuneration not primarily for the sake of the clergy, but for the sake of the soldiers themselves, who are supposed to be interested in the performance of services for the good of their souls. But this interest is not the only one they are supposed to have. They should be interested as well in the welfare of their surviving relatives. The quotas might occasionally be contrary to a presumable will of a deceased soldier, instead of conforming to his natural inclination, which is the basis of the rules governing quotas. It will always be so, when the question of an inventory appears. And in this case the common rule of civil law is to be applied, in order to assure these heirs equal treatment with the heirs of civilians.

Social background of the principle.

When is an inventory necessary? Only in the case when the inheritance is mixed with a property of undetermined nature, i.e. only in the case when a deceased soldier had been living under the same roof with his said relatives, —when there was a tacit partnership, a kind of *consortium* between him and his heirs. And this *consortium* most probably will not even cease with his death. Hence the strict application of the rules, which are destined to protect his soul, would injure those to whom he was most attached during his life. It would even be contrary to the very nature of the rules of intestate succession—these rules being here a substitution for an absent will. Besides, if there are such

relatives, who lived with the deceased, whom he cherished during his lifetime, as wife, children, maybe brothers and sisters, these relatives and heirs[9] most probably will care for his soul, so that the reason for the special care of legislator ceases.

Now we understand why a common rule of civil law may be applied. When there are relatives of this kind, a soldier is in a situation similar to that of a civilian, and an application of special military rules would be unjustified and might be injurious. The domain of the application of these rules is specified in the *dictamen.* The quotas are valid only in respect to chaplains ("solamente á el capellán" F. III, p. 1, line 21) as military priests, and consequently priests who have most often to deal as such with funeral services of soldiers killed on the battlefield, and where no relative (of the kind of *sui heredes)* could take care of his soul: "Los cadáveres . . . muertos á manos delos enemigos quedaron esparcidos en el campo, y no se les pudo dár sepultura Ecclesiástica, ni hacer funeral alguno, en su consequensia corresponde solamente á el capellán, la quarta parte de las Misas y Sufragios, que hayan de aplicarse á beneficio de sus Almas." That is the typical case, where the rate of quotas may be applied.

Here we come to the only point which remains as yet not elucidated, and a very important one. What does the "alcance" mean,—the balance, a determined quota of which was the subject of discussion? The elements of the *dictamen* we have established in the foregoing analysis are sufficient for the understanding of what the legislator means under "alcance." The typical hypothesis, where the rules concerning quotas are to be applied, is a death which occurred in a campaign, far from relatives and far from the habitual domicile of the deceased soldier, where his property is concentrated, if there is any. What remains then on the battlefield or in the camp is: in the form of assets—

9. They are in a position very similar to that of 'heredes sui' of XII tables.

the pay due him, booty or his right to a part of it, arms which belong to him, maybe his horse, saddle, etc.; in the form of liabilities—all kinds of advance made to him by the treasury, debts to his fellows, in other words what is called "bienes castrenses". The balance of all these is our "alcance".

We may even more exactly determine how it was obtained, on the basis of the text, notwithstanding the fact that the word is not employed always with uniformity and precision:

"De cuia quenta resulta alcance á su favor" (F. II, p. 2, 12-13)—first operation: account of advances of every kind, and pay in arrears;

"se solicite saber si los tiene y no encontrándolos" (F. II, p. 2, 14-15)—second operation: verification of claims against the balance resulting from the first operation. This balance, if a balance remains, is the *alcance* in the technical sense,—the "alcance", a quota of which is to be calculated conforming to the rules described above.

At the same time the social background of the whole juridical construction is clearly comprehensible. The "bienes castrenses" consist *par excellence* of personal property which has nothing to do with family relationships and family property. That is why the only reasonable attitude of the legislator was to be inspired not by family interests, but by supposed intentions of the deceased, thus creating rules construed as a substitution for the will of the deceased, where his testament was lacking.

Now we are quite satisfactorily informed about the nature of the legal provisions which determined chaplain's quotas. We know this finely elaborated mechanism and its social function. The coordination of principles and rules is quite clear.

It was not however so clear for Captain Texada, a brave soldier but a poor lawyer. Very probably he did not even suspect the existence of principles. He knew vaguely

some obscure rules, and he tried to rely upon precedents of practice.

4. Practice.

If the theory was well built, the practice seems to have been somewhat different. And it could hardly be otherwise, as regards troops stationed as garrisons throughout the Spanish provinces in America or elsewhere. Two kinds of confusion were almost inevitable: one concerning the property to be taken into account at the time of the calculation of the "alcance"; the other concerning the nature of the rules, because of the presence of conflicting interests.

A. Alcance.

We have seen that the regulation of a chaplain's quotas was originally destined to be applied during campaigns, and where a deceased soldier was far from his family as well as from the place where his ordinary private property was concentrated. Such was not the situation of colonial troops. They were soldiers and they were colonists as well.[11] Being garrisoned in frontier localities, they usually had their families with them. Where their "bienes castrenses" were and where was their property, heritable according to the common rule of civil law, was not always easy to determine. This distinction itself constantly loses its precision.

B. Conflicting interests.

This lack of precision aggravated some consequences of the same fact—the presence of families, the interests of which were intimately affected by the play of the rules, especially, when the distinction between "bienes castrenses" and inheritance was not clear enough.

In theory the object of the rules was the protection of the soul and intentions of the deceased. In fact there were very often three conflicting interests (sometimes more): the interest of the priest, the interest of relatives, and the

11. Some interesting features of the character of these troops may be found in the part of our manuscript which I have not reproduced now, and with which I have to deal in the second paper consecrated to our document.

supposed interest of the soul. No question arose when there was a testament, a will,—the voice of the deceased. Very often the soul was silent however, but relatives and priests eloquent. The latter were accustomed to consider the quota as a remuneration for their services, what is quite comprehensible. The former were not always inclined to suffer patiently the intervention of the legal rules into their affairs. This intervention could have been felt as injurious when the property of the deceased was a part of *consortium,* and there might be circumstances in which a priest, absolutely disinterested as he might be, would find himself in the situation of the chaplain of Guajoquilla.

Now we are ready to reconstruct the case.

5. The case in the Puesto de Guajoquilla.

Let us visit the Post of Guajoquilla the next day after the hard engagement took place, during which the first company suffered heavy losses. In all probability those killed had either their own families in Guajoquilla, or some relatives, e.g. married sisters, cousins, etc.; in other words, members of families with whom they lived in *consortium,* and other relatives, some of whom were "declarados herederos", others of whom were heirs "según el orden de suceder que disponen las Leyes del Reyno"—according to the order of succession established by the laws of the kingdom.

The captain gave orders to bury the dead, and the chaplain, ready to perform the obituary masses, asked for money, his part of the *alcance* in order to employ it for services, "para que la invierta en Misas y Sufragios." A burial with due ceremonies of a *cabo,* who was not an insignificant personage in a small garrison, is a comparatively expensive undertaking, if one takes into account the cost, in these remote frontier localities, of incense, candles, and what not to be employed in the funeral services. The funerals of all the ten deceased might surpass the financial capacity of a priest, not to speak of the remuneration due the priest for a professional service.

Captain Texada tried to establish the *alcance*. As regards single soldiers it would not be difficult, their property usually being just "bienes castrenses." But even in that case, the heirs of the second group, who were perhaps less attached to the person of the deceased than to his inheritance, were the more energetic in defending their claims. Besides they did not realize the difference between the property left by their deceased relatives and that property which was merged in the *consortium* of the heirs of the first group, and which consequently was under the rule of civil law. They certainly found the claims of the chaplain exaggerated just because the quota due him was to be subtracted from all the assets of the inheritance they got from the deceased, meanwhile a part of such inheritance, merged in the *consortium* of the heirs of the first group, was protected against the claims of the chaplain.

The chaplain on his part might claim at least a quarter of the *alcance*, both as concerns *bienes castrenses* of single, and as concerns the property merged with the rest of the *consortium*. And in the latter case, energetic and rightful protests of the families of the deceased were unavoidable. Referring to the precedents in the "Libros Maestros" would not simplify matter. In some of these precedents a quarter of the *alcance* was attributed to the chaplain, in others a third part, usually when a quarter was not sufficient or when the *declarados herederos* were not on the spot to defend their rights. The question could be complicated by the presence of a secular priest if there was one in the locality, some of the relatives desiring to charge the latter with the funerals, and the chaplain consequently feeling himself deprived of his rights. However it may be, the chaplain could not begin the funerals before the question had been settled, Don Antonio García de Texada was in deep perplexity, and the bodies of the dead soldiers went unburied.

How long this situation lasted we do not know. Some decision which was a compromise must have been taken by the captain. In any event this solution did not satisfy every

one, for there were some who felt themselves deprived of their rights, so that after their insisting protests, of some two and a half months, Don Antonio García de Texada was obliged to ask in the report of October 30th instructions from high military authorities. Such was the chaplain's case in the Puesto de Guajoquilla.

Paris, May, 1933.

# THE OLD UNIVERSITY OF NEW MEXICO AT SANTA FÉ

*By* FRANK D. REEVE

THE quarter century following the close of the Civil War witnessed the growth of educational activity in New Mexico sponsored by religious organizations. The founding of the University of New Mexico at Santa Fé was a part of this general movement, and the story is closely linked with the name of a single individual, the Rev. Horatio O. Ladd of the Congregational ministry. He had received an A.M. degree from Bowdoin in 1862 and studied the year following at Yale Divinity School. At the time of his departure for the Southwest he was pastor of the church at Hopkinton, Mass.

The Santa Fé Academy had been established in 1878 by the New West Education Commission under the leadership of President E. P. Tenney of Colorado College and the Rev. C. R. Bliss. In the winter of 1879 Mr. Ladd had become interested in education during a conference with President Tenney. The following August he received a definite offer from the N. W. E. C. of the principalship of the academy, which he accepted. After winding up his affairs in the East he proceeded to his new field by way of Chicago and arrived in Santa Fé, with his wife and son Maynard, September 10, 1880.[1]

Their first acquaintance with this ancient town was a bit disconcerting. In the words of Mr. Ladd, "After a journey of four days from Chicago we landed one evening in Santa Fe. . . This very old settlement . . . was now filled with the rough crowds of a Western mining region. The American traders, lawyers and Government officials were

1. H. O. Ladd, *Diary*, p. 2; Ladd, *Autobiography* (a typewritten copy) p. 2; E. Lyman Hood, *The New West Education Commission, 1880-1893*, pp. 77-78, 1905. [The sources for this article are largely the *Ladd Papers* in the University of New Mexico library, Albuquerque.]

hard to find after dark in a rambling adobe-built town. No rooms were available in the crowded adobe tavern where we were landed. Sitting opposite to us at the table, was a gentleman who, hearing my wife's exclamation of dismay, . . . kindly offered and insisted that we should occupy his room in the hotel. We gratefully accepted his courtesy, and discovered next day that he was the son of Brigham Young of Utah."[2] This tavern was the Grand Central Hotel, of which Mrs. Ladd said, "I need not describe the room. Nor the dining accommodations with the dirty negro waiters, disgustingly soiled table linen, and unappetising food served in pretended 'style.' "[3] The realities of their new environment were again met with when seeking permanent quarters the next day. Even the Santa Fé Academy furnished little inspiration: "an old adobe building on a little placita near Cathedral square . . . I never expected to teach in such a place. It was hard indeed but I had accepted the situation whatever it was, before I came, and girded myself in the Lord for it."[4] The last gives the clue to the man's character, a determination to carry on, despite many obstacles which were to be encountered in the next eight years.

Unsatisfactory relations developed during the winter between Mr. Ladd and members of the local school board. A dispute arose as to jurisdiction in a case of student discipline. The question of religious instruction was a source of friction. Perhaps, also, there was an underlying difficulty in adjustment to the new environment and life.[5] Secretary Bliss of the N. W. E. C. came to Santa Fé to investigate the situation. Meanwhile Mr. Ladd planned the founding of a separate school. With the active aid of Wm. M. Berger of Santa Fé, who obtained an offer of ten acres for the university site, and the backing of the Commission, the University of New Mexico was incorporated May 11, 1881.[6]

2. *Autobiography*, pp. 4-5.

3. Mrs. Ladd, "History of the University of New Mexico for our Children," (manuscript), p. 6.

4. *Diary*, pp. 2-3.

5. Mrs. Ladd, *op. cit.*, pp. 9-10.

6. Certified copy of articles of incorporation.

The purpose of the founders of this new institution was set forth in the articles of incorporation: "It was the aim and design of these gentlemen to secure Protestant Christian[7] education for the people who should make New Mexico their home, and to elevate into good citizenship the native population . . .; [to act] as a positive Evangelizing power on the people of New Mexico and also of old Mexico . . . ; [and to aid] in the material and moral development of the Territory."

The organization of the corporation provided for a board of seventeen trustees holding office for overlapping terms of six years; an executive committee of five elected by the trustees for three years with power to select a president for the university and to have direct management. The first executive committee were Messrs. H. O. Ladd, Charles H. Gildersleeve, Wm. H. McBroom, Eugene A. Fiske, Henry M. Atkinson, and Wm. M. Berger. The officers of the board of trustees were Henry M. Atkinson, president; Rev. H. M. Hackney, vice-president; Wm. M. Berger, secretary; and Eugene A. Fiske, treasurer.[8] Rev. H. O. Ladd was elected president of the university.

The existence of this new venture in education was not yet assured. The stimulus for the initial step might weaken as the realities of the task developed. In the summer Prof. G. B. Wilcox came to Santa Fé and attempted to renew the alliance between the N. W. E. C. and the academy board. The outlook for the university was gloomy. No substantial material progress had been made, whereas the academy had been a going concern for three years. W. G. Ritch, Atkinson, and Green favored the academy; Hall, McBroom, and Berger supported the university.[9] The move to bring the two groups together failed. However, the Commission

7. Defined as membership "in the Church of England, or Episcopal, Lutheran, Moravian, Dutch Reformed, Presbyterian, or Methodist Church, or of some Baptist or . . . Congregational Church, or they shall be of Quaker lineage, training, faith, and membership." *Diary*, p. 9.

8. University, *By Laws; First Annual Catalogue*, 1881-1882. Ladd mentions Rev. H. H. Hall as vice-president, *Diary*, p. 9.

9. Letter from Ladd to Berger, Santa Fé, August 11, 1881.

agreed to aid both schools for the next year (which proved to be the last one for the academy). The following summer, after another investigation and some hesitation, the commission withdrew entirely from the Santa Fé field.[10]

The university opened September 12, 1881; classes were held in President Ladd's home. Sixty-seven different students enrolled during the first year, the average monthly attendance for nine months being thirty-eight. The tuition was $3.00 per month. Board and room were offered in the homes of the instructors or elsewhere at $5.00 per week. There were three departments: primary, intermediate and academic; and college courses were outlined in anticipation of future growth.[11] For the school year 1884-1885 free tuition was offered; as a result, 194 students were enrolled, the highest number during President Ladd's administration. This temporary change in policy was probably due to the competition from other schools in Santa Fé.[12] The faculty during the first year were President Ladd, instructor in Ancient and Modern Languages and Instrumental Music; A. D. Mengershausen, instructor in Natural Science and the Spanish Language; George F. Gaumer, assistant teacher of Intermediate School; Mrs. Ida A. Rivenburg, teacher of the Primary School and Vocal Music; Miss Lillie V. Ladd, instructor in Calisthenics; and Miss Julia E. Ladd. At the close of Mr. Ladd's presidency the faculty consisted of five, but three held A.M. degrees and the courses offered were more solid in content.

The most pressing problem was money. President Ladd went east in the fall to solicit funds. The best response to his appeals was met with in Massachusetts; citizens of Santa Fé contributed generously and also people in Michigan, New York, Connecticut, and Ohio. Contributions ranged from fifty cents to $5,000 given by the family

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10. Ladd, *Educational Work in Santa Fé, as connected with the University of New Mexico* (ms. copy), p. 4; Hood, *op. cit.*, pp. 77-8; *Diary*, pp. 32, 35.

11. *First Annual Catalogue*, 1881-1882; *Autobiography*, p. 10.

12. Ladd to American Colonial Aid Society, October 6, 1884; newspaper advertisement, clipping in *Ladd Papers*.

of J. C. Whitin of Whitinsville, Mass.; the N. W. E. C. gave $750. A variety of gifts also was received. Congregational churches, missionary societies, and unknown donors aided in the good cause. Children contributed dimes toward buying a bell for the school. The church at Franklin, N. Y., sent a Mason and Hamlin organ worth $200; New London, Conn., furnished a school room at an expense of $191. Mr. Berger donated land and buildings worth $1,500. A total of nearly $28,000 (including tuition) was received during the first three years.

The enrollment in September, 1881, was so encouraging for the future that plans were laid for erecting a suitable building. The cornerstone of Whitin Hall was laid October 21, 1882, at the corner of Garfield Avenue and Guadalupe Street.[13]

It was to be a three-story, red-brick structure, containing dormitories for twenty-five students, three recitation rooms, two cloakrooms, library and cabinet, gymnasium, and an assembly hall 52′ x 40′. Progress was slow, but in 1884 President Ladd could say: "Three years ago—nothing. Today the University building finished *financially,* except a debt of $3,000—which is offset by $3,500 in the General Endowment fund—and after sustaining a Preparatory school for three years. I look forward to the entrance of a small class on the College studies of the Freshman year—in September."[14]

The building was completed and furnished by 1887 at a total cost of about $20,000. The formal opening was held May 15, 1888, with Gov. Edmund C. Ross making the principal address. E. L. Bartlett expressed the appreciation felt for President Ladd's work: "We fully recognize and appreciate that this has not been the result of accident nor circumstance, but has been accomplished only by the earnest

13. Printed program in *Ladd Papers; Diary,* p. 34. The building, remodeled, is now the Franciscan Hotel.

The Whitin family eventually contributed a total of $13,500 to this school. *Santa Fé Daily New Mexican,* August 6, 1887.

14. *Diary,* p. 65.

and well directed efforts of yourself. In the halls of Congress, on the rostrum and from the pulpit you have labored for this cause, with a zeal and singleness of purpose which alone could have brought about the present gratifying condition of your University and its auxiliary branches."[15]

The "auxiliary branches" referred to was a school for the education of Indian children; at first called the Indian Industrial school department of the university, it was later named Ramona school in honor of Helen Hunt Jackson. President Ladd had been interested in the Indians of the Southwest and was probably moved to promote their welfare by personal contact through visits to the Pueblos and reservations. He attributed the specific impulse to found such a school to a plea made for the Indians by San Juan, chief of the Mescalero Apaches, at the territorial fair, Santa Fé, in the summer of 1883.[16] Encouragement was given by United States government officials early in the next year, and assurance of aid came from officers of the Indian Rights Association.

President Ladd left for the East in July, 1884, to start his campaign to raise funds for this new venture. The N. W. E. C. was not interested, but the American Missionary Association appropriated $3,000 annually for teachers' salaries. With definite assurance from a representative of the Department of Interior that the government would aid, the Santa Fé board of trade pledged support.[17] The appeal for help met with a varied response. L. F. Shuman of Shellyville, Tenn., contributed seventy-five cents. The church congregation at Toledo, Ohio, wrote: "We are not a wealthy people, but we greatly admired Helen Hunt Jackson and we

15. *Santa Fé Daily New Mexican* quoted in *Ramona Days*, II, No. 2 p. 19. Ladd lobbied at Washington in the winter of 1884-1885 for an appropriation for the later United States Indian School.

*Ramona Days* was published quarterly from March, 1887, to October, 1888. It was mailed regularly to about 600 people. The last number was issued under the personal control of Ladd in an attempt to continue it by support from subscriptions.

16. Ladd, "Founding of Santa Fé Indian Industrial School," *Santa Fé New Mexican*, September 25, 1925.

17. Arthur Boyle to Ladd, Santa Fé, December 23, 1884.

sympathize with you in your work."[18] A personal conference with President Cleveland resulted in a remittance for $50: "Since our conference this evening upon the subject of Indian education, I have reflected a good deal upon your plan, and all that you said . . . Indeed I have arrived at the conclusion that Christian and secular education, are the surest, if not the only [way] to reach the end we all so much desire—the civilization and the citizenship of the Indian."[19] The success of the Ramona school was assured when the Government contracted to educate up to 100 students at an annual cost of $120 per student.[20]

The Indian School department opened April 1, 1885, in an adobe house secured from J. H. Taylor. There were thirty-three boys and eleven girls in attendance, taken from the Pueblos.[21]

With the opening of St. Catherine's industrial school for Indians in April, 1887, the Pueblo students were transferred to that institution and Ramona school confined its work to girls from the Apache:[22] "girls of these heathen tribes are taken at the age of eight or ten years, and, by written contract with their parents, and with the United States Indian office, kept from three to five years, or longer . . ."[23]

The trustees of the university assumed formal responsibility for this undertaking at their annual meeting, on August 26, 1886.[24] Eliot Whipple was superintendent of the Indian school during the following year. He resigned because of ill health, returning to Wheaton College, and was

18. H. M. Bacon to Ladd, Toledo, November 30, 1886.

19. Letter to Ladd, December 9, 1886.

20. A. B. Upshaw, Washington, April 2, 1886, in *Santa Fe New Mexican*, April 8, 1886; *Diary*, p. 68; C. B. Hayward, "Santa Fé's Indian School," reprint from *Santa Fé New Mexican*, April 8, 1886.

21. *Ramona Days*, I, No. 1, p. 2; Ladd, *Educational Work in Santa Fé . . .*, pp. 5-6.

22. *Ramona Days*, I, No. 2, p. 34; *Santa Fé Daily Herald*, August 3, 1888.

23. *Ramona Days*, I, No. 1, p. 3.

24. Annual Financial Statement of the University of New Mexico, 1885-1886.

succeeded by Elmore Chase, appointed by the trustees in their annual meeting July 13, 1887.[25]

An ambitious building program was planned. Stanford White designed a three-story dormitory of modified Spanish style. This never materialized, but a more modest structure was finally constructed costing about $8,500. W. S. Houghton of Boston gave $5,000 towards its cost. It was completed in the spring of 1886.[26] The building was destroyed later by fire, after Ramona school had been closed.[27]

The connection of Mr. Ladd with these two educational undertakings in New Mexico was soon to be ended. Some unfortunate affair, the details of which remain yet to be disclosed, developed in 1887. The Rev. E. Lyman Hood, a newly appointed pastor of the Congregational church in Santa Fé,[28] was in direct charge of the university for that year. President Ladd devoted his time to a variety of tasks: cultivating his farm land, soliciting funds for the institution, and acting as real estate agent for an eastern capitalist.[29] He was eventually removed from the formal position of president: "The Eastern members of the board outvoted the local trustees and effected my separation from the Faculty . . ." He appealed to the association of clergymen, who, after the hearing "withdrew from fellowship with me, without giving the reason for such action.[30] In 1891 he joined the Episcopal church.[31]

The years of effort in behalf of education evidently did not bring personal prosperity. Mr. E. A. Fiske wrote to

25. *Ramona Days*, I, No. 1, p. 13; *Ibid*, No. 3, p. 18; *Santa Fé Daily New Mexican*, July 13, 1887. It is not clear whether a superintendent was appointed for the first year.

26. White to Ladd, December 12, 1886; *Ramona Days*, II, No. 2, p. 26; *Santa Fé Daily New Mexican*, August 17, 1887; *The Santa Fé Herald*, May 19, 1888.

27. *Autobiography*, p. 15.

28. *Santa Fe Daily New Mexican*, August 29, 1887.

29. *Santa Fé Daily New Mexican*, February 26, March 3, 6, 1888.

30. *Autobiography*, pp. 14, 17-18.

31. Lyman Abbot's endorsement, (n.d.): "I have also had recently occasion to make a tolerably careful examination into the cruel charge made . . . I am satisfied of his consistent Christian character . . . " A member of the committee later wrote acknowledging the insufficiency of the charges for sending Ladd out of the ministry. F. N. Peloubet to Ladd, Waterville, N. H., August 30, 1896 (copy).

him August 20, 1887: "With this knowledge and for the purpose of testifying to my own appreciation of your intelligent services I beg to enclose herewith my check for three hundred dollars, the money to be applied to such personal uses as you may deem proper." Again, later, a letter of encouragement was received with a check for $500 "payable to your order, the proceeds of which, please use for *your own personal needs* and that of your wife, in just such way, as will do you most good."[32]

The New West Education Commission assumed control of the university in the fall of 1888, with the Rev. Mr. Hood in charge.[33] The school lingered on with increasing difficulty for five years, eventually being termed the Whitin Hall school or the New West Academy. The competition of the new public schools, established under the law of 1891, no doubt was instrumental in bringing to a close the career of this pioneer institution. In the fall of 1893 the building was rented to the Santa Fé board of education for the new high school.[34]

The Ramona school was transferred to the American Missionary Association in the same year and was continued under the charge of Elmore Chase for six years when the work of Indian education was concentrated in the United States Indian school that had been opened in November, 1890. It was taking care of sixty-five students during the last year.[35]

The Rev. Mr. Ladd did not succeed in leaving a permanent monument to his name in Santa Fé, but he belonged to, and participated in, the work of those pioneers in the field of education who were laboring in New Mexico before the state took over the task of providing schools. His work

32. Jeannie W. Lasell to Ladd, Whitinsville, December 28, 1888.

33. *Santa Fé Daily New Mexican*, August 26, 29, December 12, 16, 1890; August 22, September 1, 6, 1892; September 5, 1893.

34. *The Santa Fé Herald*, August 25, 1888; *The Daily Herald*, August 24, 31, 1888.

35. *Ramona Days*, II, No. 1, pp 1-2, 15; *Santa Fé Daily New Mexican*, September 26, 1893, September 4, 1894, ff; *The Daily Herald*, August 24, 1888.

was carried on under difficulties, some of which can only be surmised from a reading of the records; but that they existed can hardly be doubted when Mrs. Ladd could write that "The experiences of the four years of our life in Santa Fé are branded with the fire of persecution, obloquy and falsehood upon my loving and loyal heart and brain."[36]

During his seven years of active work in New Mexico, Mr. Ladd secured from eastern people about $140,000,[37] erected a substantial three-story building, and matriculated some 500 students in his school.[38] He furthered the cause of the Indians in their adaptation to the ways of the white man. It was unfortunate that he could not have built more directly on the work already started by the N. W. E. C. Nevertheless, in the interval until the state took over the burden of providing for schools, the Rev. Horatio O. Ladd promoted the cause of education in New Mexico, as much in carrying the American ideal to the frontier as in material accomplishment.

*University of New Mexico.*

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36. *Op. cit.*, p. 2; see also *Santa Fe Daily New Mexican*, August 6, 1887, and Ada Knowlton Chew to Charles J. Rhoades, March 1, 1932 (copy).

37. *Santa Fe Daily New Mexican*, August 6, 1887.

38. *Santa Fé Daily New Mexican* in *Ramona Days*, II, No. 2, p. 19.

# FRAY ESTEVAN DE PEREA'S *RELACION*

LANSING B. BLOOM

THREE hundred years ago, the Church Militant was a tremendously important factor in the (then) comparatively young and struggling province of New Mexico on the far-away northern frontier of New Spain. Besides the churchmen, at least three other human factors are to be recognized in the course of events during the early seventeenth century: namely, the Spanish laity, the Pueblo tribes, and the "Gentile" tribes—these last including all the native peoples who had not yielded subjection to the Spanish King (represented in the person of his governor) or to the Mother Church (represented by the Franciscan Order).

As for the Pueblo people, intermittently one or another of the "nations" tried to throw off the double yoke, but it was to be many long years before they made their concerted and successful attempt. On the whole, throughout the seventeenth century, the Pueblo tribes were submissive and endured the various forms of obedience and service required of them.

Next in importance to the Franciscan missionaries were the Spanish laity, including the successive governors and their subordinate officers, the forty or fifty soldiers who were maintained in the province, and the colonists who had come north to settle the new country. While these Spaniards were all "children of the Church" and as such were served by the Franciscan missionaries (who were the only clergy in the country), yet constantly there was more or less friction between the two groups which sprang from the selfish, material interests of the laity. Bandelier goes so far as to say: "It must be admitted that these governors, after Oñate and previous to Alonso Pacheco de Heredia in 1643, deserve little sympathy and still less credit. As for the mili-

tary proper, it was mainly rabble, and sometimes of the worst kind! Of their free will and accord, very few decent people went to New Mexico to stay."

But Bandelier gives something of the other side of the situation also, for he continues: "On the other hand, the missionaries were extremely jealous of their prerogatives and of their power over the Indians, and tolerated none of the encroachments upon the rights of the natives which colonists, of whatever nationality or creed, have always attempted to commit. Their jealousy for the rights of the Indian and for his peaceable living under the protection of the church went often to extremes, and the greatest bitterness prevailed in consequence between the governors and a part of the Spaniards on the one hand, and the clergy and their adherents on the other."[1]

There is always danger in making a general statement like the above, since no two cases are ever exactly alike in causes and circumstances, yet a large amount of documentary material is coming out of the archives in Spain and in Mexico which throws light on both sides of the controversy, culminating in the tragic events of 1641-1643, when Governor Luís de Rosas was stabbed to death in the prison of the royal palace at Santa Fé, and Governor Pacheco summarily beheaded six of the most prominent *encomenderos* in New Mexico. Much has been written of the Rebellion of the Pueblo Indians in 1680, but little has been said of what the Spanish authorities called the "Rebellion" *(levantamiento)* of the early 1640's! Forty years before the *Pueblo* outbreak, occurred this outbreak of violence among the *Spaniards themselves,* which, fundamentally, was a contest over the control and employment of the conquered people.[2]

1. A. F. Bandelier, "An Outline of the Documentary History of the Zuñi Tribe," in *Journal of American Ethnology and Archaeology,* vol. III, 100.

2. Parts of the records from this third of a century (1609-1642) will be edited as opportunity offers. Especially interesting and important are the documents of the missionaries which reveal their side of the bitter controversy and another group of documents which, about 1639, were gathered from the archives in Santa Fé and sent to the authorities in Mexico City to show how high-handed the missionaries in New Mexico had been, from the time of the Oñates down to that of Governor

To understand the course followed by the missionaries during these years it is necessary to recognize that they were inspired by two controlling passions. On the one hand, they were determined to impose the supremacy of the Church upon all Spaniards from the governor down, and this resulted in a "Church and State" struggle which has already been indicated but which will not now be discussed.[3]

On the other hand, there was the passion for saving the souls of the native people which made veritable zealots of the Franciscan missionaries who came to New Mexico. Their religious fervor was such, at least during the seventeenth century, that the height of their ambition was to attain the martyr's crown—forty-nine of them did attain that goal. How many more died, unsung and even unrecorded, in the missionary service to which they gladly devoted their lives is as yet unknown. That mortality was high among these Franciscan pioneers is evident in the fact that bands of "replacements" had to be sent so frequently to fill up their depleted ranks. Gradually the records of their work are coming to light, and in time their story will be told more fittingly than has ever yet been done.[4]

The best known of the Franciscan missionaries during the early seventeenth century is Fray Alonso de Benavides. It is now clear, however, that his reputation has been the result of various contributing causes rather than to length of actual service in New Mexico. His *Memorial* is the long-

3. Active agencies of discipline among the Spaniards (all of whom, nominally at least, were within the bosom of the Church) were the Inquisition and the *Santa Cruzada*, both of which had representatives in New Mexico for many years.

4. Theodosius Meyer (O. F. M.) *St. Francis and Franciscans in New Mexico* (1926), has a brief study of this subject. Archbishop J. B. Salpointe, *Soldiers of the Cross* (1898) is a more comprehensive treatment but it shows clearly the great need for source material. Fray Zephyrin Englehardt, "Franciscans of New Mexico" (published a few years ago in the *Franciscan Herald*) is disappointing in that it leans so heavily on Bancroft and draws so meagerly from original documents of importance.

Martinez de Baeza—as one of the endorsements says: "By these [papers] may be seen the natural inclination of the Custodian to charges and molestations in which he is usually engaged not only with Governors and *cabildo* [the town council at Santa Fé] but also with citizens and Indians." A.G.N., *Provincias Internas*, 34, exp. 1, f. 22v.

est and most detailed missionary report which is known regarding early New Mexico, and in 1916 it was given an English editing in a most scholarly form.[5] Until recently, Benavides' own assertion that he was "first custodian" of the "Conversion de San Pablo" has been accepted at its face value.[6] Moreover, when in 1630 the "Province of the Holy Gospel" in Mexico City sent him on to Spain to urge larger royal support of the work in New Mexico and also that a bishopric be erected here, he himself expected to be appointed the first bishop and to return to New Mexico in that capacity.

It is now known, however, that he did not arrive and take charge of the work until December, 1625, and he departed in the fall of 1629—doubtless with the supply-train which was then returning south.[7] The bishopric was not created and Benavides never returned, so that his actual service in New Mexico was limited to less than four years.

In marked contrast with Fray Alonso is the little known Fray Estévan de Perea, who wrote much less, but

5. The edition of 1916 known as the "Ayer edition" (300 copies) of which the translating was done by Mrs. Edward E. Ayer, and the editing and annotating by Charles F. Lummis and Frederick W. Hodge. Excellent as that edition is, it needs some revision and this will be possible in the coming edition, announced by the Quivira Society, of the revised *Memorial* which first appeared in 1634.

6. France V. Scholes, "Problems in the Early Ecclesiastical History of New Mexico," *(N. M. Historical Review,* VII, 32-74) discusses the difficulties raised by Fray Alonso's statement and offers a possible explanation.

Mr. Scholes has made an exhaustive analysis of this problem, but not all students will agree with his conclusion *(op. cit.,* p. 58) that the Custodia of New Mexico had been erected as early as April, 1617. Rather it will appear to some that Perea and his successor Chavarría were, in New Mexico, made titular custodians; that the erection of the Custodian was made early in 1623; and that the election of Benavides (in Mexico City) was followed after his arrival in New Mexico (December, 1625) by the first election of *definidores,* who, with the custodian, constituted the first chapter of the new Custodia. In this connection, note, in Perea's *Relación* below, the mention of the chapter meeting and election which occurred after his arrival in the spring of 1629. Note also, in the viceroy's cedula to Father Perea, written in Mexico City in January, 1621 *(N. M. Hist. Rev.,* V, 296), the question as to there being any *definidores* in New Mexico at that time.

7. The supply-train which started north from Zacatecas in September, 1628, arrived at Santa Fé in Holy Week, 1629. For the return journey to the south, 26 Indians were being engaged as servants from July 17 to September 5, and the start was made probably late in September or early October. A.G.I., *Contaduría,* 730, libranza de 18 julio 630. Benavides was establishing his tenth and last mission at Santa Clara pueblo in September, 1629. *Memorial,* 45.

who served much more, than his contemporary. As Mr. Scholes says, he "was one of the greatest figures in the history of the Church in New Mexico. For some thirty years, except for the brief period from 1626 to 1629, he was the dominant figure in the religious life of the province."[8]

In the spring and summer of 1609, the nine missionaries who were appointed to accompany to New Mexico the new governor, Don Pedro de Peralta, included the *comisario* Fray Alonso Peynado, Fray Ysidro Ordoñez, and seven others.[9] Among the last seems to have been Fray Estévan de Perea. In the fall of 1611, Ordoñez had returned to Mexico City for more supplies and equipment and for eight more missionaries, with whom he seems to have started north in the late spring or summer of 1612.[10] He now appears in the records as *comisario,* but upon his arrival in Santa Fé late in 1612 he refused to show his credentials to Governor Peralta, and in the difficulty which ensued between these two highest officials in the province, Ordoñez excommunicated Peralta and (when the latter disregarded this ecclesiastical ban) denounced him as a "schismatic heretic." Moreover, "the prelate then pretended that he had received a commission from the Inquisition and declared the case to be a *causa de fe.* Calling upon the soldiers and citizens for aid, he arrested Peralta and kept him in confinement at the pueblo of Sandía for some nine months or a year."[11]

Fray Estévan de Perea comes into this affair from the fact that he was Peralta's jailer. Born in Spain about 1565, of Portuguese parentage, Perea was about forty-four years of age when he arrived in New Mexico and was assigned to the Tigua region. Vetancurt says that he founded the church and monastery at Sandía;[12] apparently he was

8. F. V. Scholes, *op. cit.*, 67.

9. A.G.I., *Contaduría*, 711, 712, libranzas of 1609: May 4, June 23, Oct. 19.

10. A.G.I., *Contaduría*, 714, libranza of 8 mayo 1612.

11. Statement by F. V. Scholes, based on Staatsbibliothek (Munich), *Codex Monacensis*, Hisp. 79.

12. Vetancurt, *Chrónica*, 312, cited in *Benavides: Memorial*, 202.

guardian there for a large part of his thirty years of service; and although he was stationed at Cuarai during his last years, the same authority states that his remains were buried at Sandía.

On January 14, 1639, at the instance of Governor Luís de Rosas, the *cabildo* of Santa Fé prepared a signed statement in which they charged the missionaries with various and repeated invasions of the "royal jurisdiction," with specific references to the times of Governor Francisco Martinez de Baeza, Governor Juan de Eulate, and Governor Pedro de Peralta. In the last case, the *cabildo* charged them with

> a crime so serious and atrocious as to seize the governor and captain general don Pedro de Paralta and hold him prisoner for a year in the convent of Sandía. And the prelate who then was Fray Isidro Ordoñez (who was he who seized him in the name of the Holy Inquisition without being commissary of that body),[13] fearing lest the citizens might want to rescue him and restore him in his government, entered the pulpit of the church in this Villa[14] with a Christ in his hands to soften the populace *(la republica)* with exclamations and saying that he hoped to be rewarded for that imprisonment [of Peralta] with a bishopric—of which Your Excellency and also the Royal Audiencia will have [had] notice through the complaint launched [by him] in the matter. And the said governor and captain general having escaped from the prison in the dead of winter, fled on foot and half-clad, covered with a buffalo-hide like an Indian, to a ranch about two leagues from said pueblo. His jailer who was the Father Fray Estévan de Perea, learning that he was there, went with a great number of Indians with bows and arrows and surrounded the said ranch; and although they did not find him at that time, they seized him again in this Villa whence they took him again, in irons and seated upon a beast like woman,[15] to the pueblo of Sandía

13. Mr. Scholes, again citing the *Codex Monacensis*, states that after this false claim to Inquisitorial authority became known in Mexico City, he was recalled and disciplined.

14. The *cabildo*, writing in 1639, identifies the arrest of Peralta with the Villa of Santa Fé by its references to "this villa" and thus gives us the *earliest date* yet discovered *before which* the founding of Santa Fé was effected. As will be shown below, Peralta's brief escape from his jailer occurred in December, 1612.

15. With his feet in gyves, naturally he could not sit astride.

which was his prison and fourteen leagues [from Santa Fé]. He was [first] taken in charge of Padre Fray Andrés Juarez, I [should] say Padre Fray Luís Tirado, to the convent of this Villa where they again arrested him in the name of the Inquisition. . ."[16]

As Fray Isidro Ordoñez was in Mexico until early May, 1612, and as the twenty mule-carts which he used to carry the supplies of that year had gone to New Mexico and were back in Zacatecas by March 12, 1613, it is evident that the prelate must have arrived in Santa Fé about October, 1612.[17] The arrest of Governor Peralta followed soon after, and his brief escape occurred early in December.[18] Before he was again seized, he was able to prepare dispatches and get them off in the hands of two of his captains, advising the authorities in Mexico City of the state of affairs.[19] They left Santa Fé on December 13, 1612, and had delivered their papers in Mexico City sometime in March—which was fast traveling.[20]

While Fray Estévan de Perea was holding Peralta a prisoner, month after month, in Sandía pueblo, measures for his release were going forward. It would be two years

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16. A.G.N. (Mexico), *Provincias Internas*, 35, exp. 4, ff. 28r. y v.

17. A.G.I., *Contaduría*, 714, libranza of 8 mayo 612; *ibid.*, 850, libranza of 12 março 613.

18. This statement is a deduction from such facts as are known,—which fit together like a jig-saw puzzle! The arrest and escape slip into place here and nowhere else during Peralta's term as governor.

19. Captain Pedro Hurtado was one of 15 soldiers who enlisted in Mexico City in March, 1609, to accompany Peralta to New Mexico. (A.G.I., *Cont.*, 711, 5 março 609) A libranza of 15 april 613 *(ibid.*, 716) shows that, upon an order from the viceroy (Marqués de Guadalcázar) dated *March 29* and with written authority from Peralta, Captain Hurtado received from the treasury officials a large payment on Peralta's salary, reckoned up to *December 13, 1612*, the day on which Peralta had given his authority for such collection. We note also that Peralta is referred to as a "has been", indicating that the viceroy had already named Zavallos for governor. Even if Peralta later should be vindicated (as he was), the extraordinary situation in New Mexico demanded a change.

20. A.G.I., *Contaduría*, 716, libranza of 20 julio 613, records a payment made: "Al Capitán Hernando de ynojos, Procurador delas Prouincias dela nueva mexico, 300 pesos de oro común que, por mandamiento del Virrey . . Guadalcazar de xvi [de julio dcxiij sele mandaron librar de ayuda de costa por una vez en consideracion del gasto y trauaxo q. hauia tenido de Venir delas dichas Prouincias a dar quenta al dicho Virrey del estado en que quedauan las cosas dellas y de su Conseruacion y asistencia en Mexico *aguardando la Resolucion delos negocios que truxo a su cargo* Para poderse boluer Como parece . . ." (italics ours).

before another supply-train would go north, but this was an emergency. It was met by the appointing of a new governor, Don Bernardino de Zavallos, who was to proceed to New Mexico with a small escort of six soldiers and take over the government; and apparently also by dispatch of mandatory orders which sped north in the hands of Peralta's special couriers. What the text of these was is not known but it is probable that the governor was released by November, 1613, fully six months before his successor reached Santa Fé.[21]

Fray Isidro Ordoñez also was eliminated from the situation by the ecclesiastical authorities, the change probably being effected at the time Governor Zavallos arrived in Santa Fé in May, 1614. Despite the part of jailer which he had played, Fray Estévan de Perea was appointed *comisario* in place of Ordoñez and served in that capacity until early in 1617 when his title was changed to *custodio,* continuing in the latter capacity until 1621—when he in turn became involved in a serious controversy with Governor Juan de Eulate.[22]

The vigorous character of Fray Estévan is revealed in the fact that he did not weakly knuckle under to the civil authority of either viceroy or governor. It could have been only shortly after receiving the viceroy's severe cedula that, on August 18, 1621, Perea had a decree read from the various mission pulpits of New Mexico denouncing current errors and heresies.[23] He invited the filing of charges

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21. If Captain Hinojos and Captain Hurtado started north immediately after the former received his special expense payment, and if they made as good time as they had done southbound, they should have reached Santa Fé late in October, 1613.

That Zavallos did not get off with them is shown by ten libranzas issued from August to January (1614): salary and expense advance-payments to him and to the six soldiers enlisted for his escort, the last being a payment to a courier sent to overtake Zavallos at Zacatecas,—the amount to be charged against his salary! These treasury records are all in A.G.I., *Contaduría,* 716. See also *N. M. Hist. Rev.,* IV, 193.

22. The two very similar decrees sent to Custodian Perea and Governor Eulate were edited in the *N. M. Hist. Rev.,* III, 357-380, and V, 288-298.

23. Perea's decree was found by F. V. Scholes in Mexico and is one of the documents being used by him in his doctorate thesis upon seventeenth century New Mexico. See *N. M. Hist. Rev.,* VII, 55-56.

against any who were thought to be guilty under the terms of his decree, and it was largely at his instance that the Holy Inquisition regularly inaugurated its work in New Mexico two years later.[24]

Perhaps his superiors decided that Fray Estévan was too fiery and aggressive to be kept at the head of the missionaries in New Mexico, for late in 1621 arrived Fray Miguel de Chavarría to supersede him. But Chavarría was too subservient to the governor (or perhaps too diplomatic) to suit Perea, and the latter started a bitter controversy with him which apparently drove him from New Mexico in less than a year. He left Fray Asencio de Zárate in charge as acting prelate (vice-custodian), and the latter continued to serve to the end of Governor Eulate's term and the arrival of Fray Alonso de Benavides in December, 1625, as already noted above.[25]

Benavides brought twenty-six new missionaries with him, but the work was increasing so rapidly that within a few months he was asking for still more. His first report[26] was carried by Perea who left with the returning supply-train in September, 1626, reaching Mexico City in the following January. The request was referred to the king and his council in Spain, and resulted in the royal cedula of November 15, 1627, which would have reached Mexico City some months later. Meanwhile, Perea and the authorities in Mexico were employing the long delay to assemble the supplies and equipment for the next triennial supply-train. An interesting purchase in September, 1627, was that of eighteen bells for the New Mexico missions, each weighing 200 pounds.[27] A later purchase included eighteen images, eighteen pairs of tall candlesticks, seven statues of Christ, and three monstrances.[28] A "master of the art of embroid-

24. *Ibid.*, 64, 70.

25. *Ibid.*, 68-69.

26. This report has not been found. It is mentioned at the opening of *Benavides: Memorial*, 5.

27. A.G.I., *Contaduría*, 728, libranza of 7 sept., 1627.

28. *Ibid.*, libranzas of 11 Dic., 1627, and 2 mayo 1628.

ery" was paid 1,500 pesos on an order of "ornaments which had to be delivered at the end of January, 1628."[29] Other purchases included twenty-eight chalices, two silver reliquaries, a large amount of iron and copper work; forty oxen with yokes and plows; wax and "things from China" (silk?). In February a "master carpenter" was paid for repairing sixteen of the royal carts; March saw payments for about five dozen *sombreros de fraile*, for a large bill of "ornaments", and a chandler was paid 590 pesos on another delivery. In April over 1,100 pesos was paid on an order of lamps, little bells, tall candlesticks, etc., and six days later nearly 8,000 pesos more was paid on a long list which included olives, rugs, stockings, "baskets of Michoacán", a table with its benches, four dozen "chickens of Castile",[30] tablecloths and napkins, a large clock, eleven canticle books, colts, sheep, etc., etc. In May a silversmith delivered eighteen chalices of silver, gilded, and two silver sanctuaries,—all made according to specifications. The mother abbess of the convent of Our Lady of the Concision received nearly 1,000 pesos for various things supplied—vestments probably. A confectioner and a druggist each received about 600 pesos for conserves, medicines, and drugs which were needed for the hospital service maintained by the missionaries in New Mexico. The bill of a worker in metal (paid in July, 1628) is itemized for five pages and foots up to over 5,000 pesos—all for the use of the missionaries, such articles as planes and saws indicating their building plans for more convents and churches. A gruesome detail is that one of the saws was for surgical use![31]

Other expenditures during the period from December, 1627, to September, 1628, included the purchase and equipment of additional *carros*, the buying of additional draught-

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29. *Ibid.*, libranza of 15 dic., 1627.

30. Poultry introduced from Spain was always distinguished from the turkey, *gallina de la tierra*, which was indigenous and had been domesticated by the natives. The former was subject to royal tax; the latter was exempt.

31. This particular *libranza* is undated but it was entered between July 12-18, in A.G.I., *Contaduría*, 729.

animals,[32] providing for the "people" and soldier-escort and Indian servants; and in July, 180 packing cases were delivered in which to transport the effects. The total cost of the caravan of this triennium was later stated to have been over 81,000 pesos.[33]

The records of the royal officials in Mexico City show that the departure of the caravan occurred on September 4, 1628, and this agrees with the date given by Perea in his *Verdadera Relación*.[34] As Perea had arrived from New Mexico in January, 1627, this means that the correspondence with Spain and the business matters in Mexico City had held him there for over a year and a half. The details which have been given afford some idea of the magnitude of the whole enterprise and the way in which the missionary work was expanding at this time.

It is pertinent and valid to ask why the Spanish monarch would authorize such expenditures. Was he expecting material returns? No mines had actually been discovered in the far north, although the possibility of such finds was always slipped in artfully by the missionaries in their appeals.[35] The evidence is cumulative and conclusive that the dominating motive urged in their appeals was the spiritual welfare of the natives, and that this was also the deciding consideration on the side of the king. Whatever may be thought of the later Hapsburgs in other respects, it must be acknowledged that they poured out, during the seventeenth century, hundreds of thousands of pesos from which they could expect no commensurate material returns. Perhaps this was not pure altruism—no human motives will stand too close analysis, and doubtless the Spanish monarchs counted on rich stores of spiritual treasures being laid up

32. A.G.I., *Contaduría*, 729, libranza of 26 junio 1628: 3,960 pesos for 28 mules and 71 she-asses, all from 3 to 4 years of age.

33. F. V. Scholes, "Supply Service of the New Mexican Missions", in *N. M. Hist. Rev.*, V. 95.

34. A.G.I., *Contradruría*, 729, libranza of 9 sept. 1628.

35. See, for example, how Benavides weaves together the "conversion of souls" with material considerations in the closing pages of his *Memorial*.

to their credit from the work of the Church. But the point is that the missionary work in New Mexico could not have been carried on without the financial support of the king, and that support was given in astonishing measure.

Before giving the text of Perea's report, it may be well to give a few comparative facts regarding Benavides and Perea and their work. Fray Alonso was in New Mexico less than four years altogether, whereas Fray Estévan had already served for nearly twenty years; the former has been custodian during his short term which is now drawing to a close, the latter is returning to New Mexico as prelate for the third time. And within a few months after his arrival, Benavides took his departure—with the southbound supply-train—and never returned to New Mexico; whereas Perea never returned to the outer world but toiled on here until his death in 1638. While, therefore, the report which Benavides made, first in Mexico and later in Spain (and which was edited for him and published as a *Memorial* to the king in 1630), is much longer and fuller of detail than the brief report of Perea which is published herewith, yet the latter writing is important in spite of its brevity—because of the importance of Perea himself. It gives a glimpse of developments in which Benavides did not participate although they were contemporary with the last months of his service. The fact is that while the new custodian, escorted by the governor himself and with ten of the royal carts loaded with "alms of the king," was establishing permanent missions in Acoma, Zuñi, and Hopi, Benavides remained in the Rio Grande valley. In July, 1629, he was at Isleta;[36] and during September, as he himself relates, he was establishing his "tenth and last" monastery and church in Santa Clara and was winning the friendship of the Navajo Apaches.[37]

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36. F. W. Hodge *(Benavides: Memorial,* 275, note 54) infers that Perea was at Isleta at this time; but Perea was then in Zuñi, as shown by his report.

37. Perhaps it is idle speculation, but how different later history might have been, had Benavides been permitted to follow up his missionary efforts with the various Apache tribes which hemmed New Mexico in on all sides! He might have become "the apostle to the Apaches"—the Perillo, the Gila, the Navajo, those north of Santa Fé, and those of the Saline region.

The *Relación* associated with the name of Fray Estévan de Perea is not in the original form in which he wrote it, but was based upon a report which he wrote and sent to the *Comisario General* of his Order in Mexico City. The latter "edited" it and forwarded it to Spain, where it was published in two parts in 1632 and 1633. Internal evidence indicates that the original report was written hurriedly, that parts were omitted and interlineations were inserted. Nevertheless, the substance as we have it is undoubtedly from the hand of Perea.

When was the original written, and when was it sent south to Mexico City? It is difficult to say, but there is nothing in the text to preclude its having been written and sent in the fall of 1629 when Benavides left; but evidently it was not forwarded to Spain until a year or two after Benavides had gone there. From the dates of publication it might have left Santa Fé on November 1, 1630, when dispatches were sent by Governor Francisco de Silva Nieto.[38] But this view is precluded by the references near the end to "this year of 1629" and "the coming March." Also if it had been sent a year later, one would expect the report to contain later news than it does.

TRUTHFUL/REPORT OF THE MAGNI-/FICENT CONVERSION WHICH HAS BEEN HAD IN/NEW MEXICO. SENT BY THE FATHER FRAY ESTEVAN DE PEREA, CUSTODIAN/OF THE PROVINCES OF NEW MEXICO, TO THE VERY REVEREND FATHER FRAY FRANCISCO/DE APODACA, COMMISSARY-GENERAL OF ALL NEW SPAIN, OF THE ORDDER OF ST. FRANCIS, GIVING HIM AN ACCOUNT OF THE STATE OF THOSE/CONVERSIONS, AND, IN PARTICULAR, OF WHAT HAS HAPPENED IN THE EXPEDITION/WHICH WAS MADE TO THOSE REGIONS.[1]

*With permission of the Señor Vicar-General, and of the Señor Alcalde Don Alonso de Bolaños./ Printed in Seville, by Luys Estupiñan, in the Street of the Palms. Year of 1632./*

38. A.G.I., *Contaduría*, 730, records a libranza of 24 marco 631, for which one of the supporting documents stated that the governor was alive on Nov. 1, 1630. He had asked for a payment on his salary.

1. It is evident to the reader that the title was added in Mexico, and the

There departed from this City of Mexico, on the 4th of September of the year 1628, twelve soldiers, nineteen Priests and two Lay-Brothers, Religious of [the order of] St. Francis, in company with the Father Fray Estevan de Perea, Custodian. [They were] sent from the Most Religious *Provincia* of the Holy Evangel, with the alms and at the expense of His Majesty, who, with Catholic zeal [ordered this]; his Sceptre being like the Caduceus of Mercury, a vigilant rod garnished with eyes, for the conservation of these conversions, in defense of which he expends the greater part of his Royal incomes; a rod, in fine, of peace and justice.

With the Religious already mentioned went nine others at the cost of the said *Provincia;* all with exalted courage and spirit ready for every hazard of hardships, perils, opprobrium and affronts, to make known by preaching the name of Jesus Christ. With all gladness and concord they traveled into the Valley of San Bartholomé, without any particular thing occurring. Here the people were refreshed with certain comforts for the want in which they arrived. And it was no small thing that on this occasion thirty mules fled from the drove to the wild mares; and despite many efforts that were made, fifteen of them did not appear [again]. Here—since it was the last settlement, and provisions were needed for 150 leagues of wilderness *(despoblado)* which remain [from there] up to the first pueblo of New Mexico—the necessary stores *(matalotaje)* were provided, with four ox-carts, to relieve the 32 [carts] of His Majesty, which were going very loaded. As little did anything of novelty occur in this stretch of road, until [arriving at] the full-running *(caudaloso)* River of the North—at which Pole [i.e., the North] it has its birth. They reconnoitered the country on Palm Saturday, the seventh of April of 1629. They were well received by the natives and succored with some refreshments, of fishes and other things of the country; to whom they gave, in exchange, meat and Maize. They gave there a three days' rest to the beasts, which had arrived very fatigued, by reason of not having

imprimatur in Seville. Apparently also the first paragraph and the opening sentence of the second are from Apodaca rather than Perea.

The translation here given is that published by the late Charles F. Lummis in *Land of Sunshine*, xv, 358-362, 466-469, revised by the present writer from a facsimile reproduction of the original Spanish edition, loaned by Dr. F. W. Hodge. Through lack of data, the editing by Lummis was wrong in various details and is omitted; but some of his footnotes are retained.

VERDADERA
RELACION, DE LA GRAN-
DIOSA CONVERSION QVE HA AVIDO EN EL
Nuevo Mexico. Embiada por el Padre Fray Estevan de Perea, Custodio
de las Provincias del Nuevo Mexico, al muy Reverendo P. Fr. Francisco
de Apodaca, Comissario General de toda la Nueva España, de la
Orden de S. Francisco, dandole cuenta del estado de aquellas
cõversiones, y en particular de lo sucedido en el despacho
que se hizo para aquellas partes.

¶ *Con licencia del Señor Provisor, y del señor Alcalde Don Alonso de Bolaños.*
*Impresso en Sevilla, por Luys Estupiñan, en la Calle delas Palmas. Año de 1632.*

Alieron desta Ciudad de Mexico, a quatro de Setiembre de 1628. años, doze soldados, diez y nueve Sacerdotes, y dos Legos, Religiosos de S. Francisco, en compañia del P. Fr. Estevan de Perea Custodio, embiados de la Religiosissima Provincia del Santo Evangelio, con la limosma, y expensa de su Magestad, que cõ Catholico pecho, siẽdo su Ceptro como el Caduceo de Mercurio; vara vigilante tachonada de ojos, para la conservacion destas conversiones, en cuya defensa gasta la mayor parte de sus Reales haberes: vara al fin de la paz, y justicia,

Con los ya referidos Religiosos fuerõ otros nueve a costa de la dicha Provincia, todos con gallardo aliento, y espiritu dispuesto a todo trance de trabajos, y peligros, oprobrios, y afrẽtas, por dar a conocer predicãdo el nombre de Iesu Christo. Con toda alegria, y conformidad, caminarõ hasta el Valle de S. Bartholome, sin ofrecerse cosa particular. Aqui se refresco la gente cõ algunos alivios para el desavio con q̃ llegaron: y no lo fue pequeño en esta ocasiõ, huyrse de la manada treinta mulas à las yeguas cimarronas, q̃ con muchas diligencias q̃ se hizieron, no parecieron las quinze. Aqui por ser la vltima poblaciõ, y necessitar de bastimentos para 150 leguas de despoblado, q̃ restã hastã el primer pueblo del nuevo Mexico,

TITLE-PAGE OF PEREA'S *Relación Verdadera*
(reduced from folio size)

drunk in as many more [i.e., in three days]; because the season was of a drouth, and the country sandy and sterile.

From here they proceeded up the river to a stopping-place they call Robledo.[2] And one day's journey before [reaching Robledo], the Father Fray Martin Gonzalez, Preacher, died; a son of the convent of St. Francis of Mexico; whose death was as much lamented by all as [it was] envied for his great virtue and Religion. They arrived at the town *(villa)* of Santa Fé, where all went to the convent to give thanks to God, Eulogies and praise to the Seraphic Father St. Francis, for such recognized favors as on the long journey they had received through his petitions; their devout love making up for the lack of votive offerings, and donative services. *The Fathers celebrated their Chapter;* since, when they arrived, it was Easter of the Holy Ghost.[3] And having consummated *the election*, the Religious were apportioned to the pueblos and colonies of their administration, in the great pueblo of the *Humanas*,[4] and in those called *Pyros* and *Tompiros*—which, since there was not a supply of Ministers, had not been baptised. The Alms of His Majesty were apportioned among these Missions and Doctrinal Schools *(Doctrinas)* with that which appertained

2. The origin of this name probably dates from the time of the Oñates. Two brothers, Pedro and Francisco, were among the first colonists, and it was the former who was killed of those who leaped from the top of the peñol of Acoma. (G. P. Hammond, *Oñate and the founding of New Mexico*, 114, 196, 209.) Pedro was 60 years of age and had four sons (from 18 to 27 years old) who also enrolled as soldiers with Oñate. In some way, therefore, it is probable that this family gave rise to this place-name.

3. As stated above, the travelers reached the Rio Grande on Palm Saturday, April 7th. Easter, therefore, fell on April 15th and the journey continued northward during the Pentecostal season, the fifty days which, in the early Church, was observed in honor of the Third Person of the Most Blessed Trinity. The miraculous outpouring of the Holy Spirit upon the apostolic Church, "when the day of Pentecost was fully come", is perhaps commemorated here as the "Easter of the Holy Ghost." And yet, to fit the subsequent facts as here stated, the missionaries must have reached Santa Fé several weeks before June 19th; indeed, the new governor, Admiral don Phelipe Sotelo Ossorio, arrived on May 1st, but he must have come on in advance of the slower moving supply-train. An important point in the context is that we have here the first reference to a capitular meeting and election of *definidores*. Fray Thomás Manso became solicitor, succeeding Fray Alonso de San Juan.

4. "The great pueblo of the Jumanos" has not yet been identified by archaeologist or historian. There are important references to it in seventeenth century documents, and even as recently as 1825. (See *Benavides: Memorial*, 274) It can be said definitely that it lay in the Saline region, in easy communication through Abó Pass with the pueblo of Isleta—where at this time the nearest missionary was located. Many years later it is spoken of as "the largest pueblo in New Mexico", when it had a well established mission from which Tabirá was administered as a *visita*.

to each one. And to the said conversions [were alloted] the Fathers Fray Antonio de Artiaga, Preacher; Fray Francisco de la Concepcion; Fray Thomas de San Diego, Reader of Theology; Fray Francisco Letrado, Fray Diego de la Fuente, Fray Francisco de Azebedo—Priests—[and] Fray Garcia de San Francisco and Fray Diego de San Lucas, Lay Religious.[5] The Indians received them with glad rejoicings; and, preaching to them through the interpreters whom they took along, they instructed and catechized them in the mysteries of our Holy Faith; those Gentiles begging for the sacrosanct water of Baptism [and] thirsting for it; wherein is seen how God giveth knowledge to souls through the Baptismal absolution.

To the nation of the Apaches of Quinia and Manases,[6] went the Father Fray Bartholomé Romero, Reader of Theology, and Fray Francisco Muñoz, Preacher. And since it was the first *entrada* to that bellicose Nation of warriors, Don Francisco de Sylva,[7] Governor of those Provinces, went along escorting them with twenty soldiers. Although this precaution was not necessary, because on their part [the Apaches] opposition was lacking, and with exceeding pleasure they besought Holy Baptism.

The Governor having returned with the soldiers to his Headquarters *(El Real)*, the journey to the Crag of Acoma was arranged, and that to the Provinces of Zuñi and Moqui, with ten cars and four hundred cavalry horses *(caballos de armas)*, with everything important for the voyage, thirty soldiers well armed, and much better in spirit and fervor; the Father Fray Roque de Figueredo, Fray Francisco de Porras, Fray Andres Gutierres, Fray Augustin de Cuellar, Priests; Fray Francisco de San Buenaventura and Fray Christoval de la Concepcion, Lay Religious. These were accompanied by the Father Custodian and his companion,

5. Valuable notes by F. W. Hodge on nearly all the missionaries mentioned by Perea may be found in *Benavides: Memorial.*

6. Quinía and Manases were chiefs of Apaches "on the side of the north" from Santa Fé. See *Benavides: Memorial,* 41 and notes. This branch of the Apaches should not be confused with the "Navajo Apaches," reached from the pueblo of Santa Clara. *Ibid.,* 43-53.

7. The name of the governor who came with this supply-train is found in several variant forms. Captain don Francisco Manuel de Silva Nieto (as it reads on Inscription Rock) was appointed in 1628 and served at Santa Fé from May 1, 1629, to (March?), 1632. Lummis *(Land of Sunshine,* xv, 359, note) and others have unfortunately credited him with another inscription which, read correctly, is of August 5, 1620, and therefore belongs to Governor Eulate. See facsimiles of both in *Benavides: Memorial,* at pages 207, 209.

and the Father Solicitor Fray Thomas Manso.[8] This journey was begun on the 23rd of June of the same year. They arrived at Acoma, which is distant 36 leagues from the *villa* [Santa Fé] and Main Camp *(Real)* of the Spaniards, its direction [being] to the West. Their apprehensions assured a good reception by the Indians of the Crag *(Indios Peñoles)*, who spontaneously gave free entrance. For by force or industry it seems impossible to be able to enter because of the unconquerable situation, since it is a cliff as high as Mount Amar in Abasra, or as the insuperable steep which Alexander won from the Scythians.[9] In this stronghold, to reclaim it to the Faith, remained the Father Fray Juan Ramírez,[10] Priest, at the recognized peril of life, though his was already disposed and offered unto God, among those valiant Barbarians who on other occasions fought so well that the Spaniards experienced, to their damage, the valor of their opponents.[11]

In quest of the Province of Zuñi, of which they already had news, they went traveling against the West. They passed a Mal Pais ("Bad Lands," lava flow) of ten leagues of burnt cliffs, since by ancient tradition it is said that there a great inundation of fire[12] burst out—as we know of some volcanoes of the Indies, [in] Peru, Guatemala and Mexico.[13] They arrived at the Province of Zuñi, distant from the *villa* [Santa Fé] fifty-six leagues; and its natives, having tendered their good will and their arms, received them with festive applause—a thing never [before] heard of in those regions, that so intractable and variant nations should receive the Frailes of St. Francis with equal spirit and sem-

8. The "companion" missionary cannot be identified. Many financial records in A.G.I., *Contaduría*, for the years 1626-1629 show that Fray Alonso de San Juan was solicitor during that triennium—perhaps earlier. He may not have returned north, for his name does not appear again. Fray Thomás Manso became his successor (elected by the chapter?) and continued to serve until 1656, when he was made bishop of Nicaragua. See *N. M. Hist. Rev.*, V, 189.

9. Alexander was never in Scythia and the allusion by Father Perea (or by his editor, Apodaca?) is probably to the affair at Shipka Pass in Thrace. See J. B. Bury, *History of Greece*, 741. "Mount Amar in Abasra" has not been identified.

10. For several variant accounts regarding Fray Ramírez and Acoma, see Lummis, *The Spanish Pioneers*, 125; Hodge, *Benavides: Memorial*, 27, 205-206. The latter has confused this missionary with another "Juan Ramírez" who was solicitor following Fray Manso. See Scholes, *N. M. Hist. Rev.*, V, 191.

11. Clearly a reference to the affair of December, 1598.

12. Lummis found among the Acomas a legend of the "año de la lumbre." See *Strange Corners of our Country*, 183.

13. The change in personal pronouns shows an interpolation by Apodaca. "Piru" is so spelled.

blance, as if a great while ago they had communicated with them. From the which it is gathered as evident that God hath already disposed this vineyard for these laborers alone.[14] At once the Governor issued an edict that no soldier should enter a house of the Pueblo, nor transgress in aggrieving the Indians, under the penalty of his life; it being settled that with suavity and mildness an obstinate spirit can better be reclaimed than with violence and rigor. This country is placid and fertile, abundant in waters, agreeable with green fields, shady with groves of Cedars *(Encinos)*, Pines *(Pinabetos)*, Piñon trees, and wild grape vines. All those [Indians] of this Colony[15] are very observant of superstitious idolatry. They have their Temples with idols of stone, and of wood much painted, where they cannot enter except it be their Priests—and these by some trap doors which they have on top of the terrace. So likewise they have gods in the mountains (or woods: *montes)*, in the rivers, in the harvests, and in their houses—as is recounted of the Egyptians—for they give to each one their particular protection. Here they [the Spaniards] saw a notable thing; and it was some enclosures of wood, and in them many Rattlesnakes that, vibrating their tongues, giving hisses and leaps, are menacing as the fierce Bull in the arena. And [our men] desiring to know the object of having these serpents imprisoned, they told them that with their venom they poisoned their arrows, wherewith the wounds which their opponents received were irremediable. They live with civilized *(politico)* government; their pueblos with streets and continuous houses like those of Spain. The women dress themselves in Cotton, and the men in buckskins and hides. The country abounds in maize, beans and squashes, with every kind of hunting and other chase. And to give that people to understand the veneration due to the Priests, all the times that they arrived where these were, the Governor and the soldiers kissed their feet, falling upon their knees, cautioning the Indians that they should do the same. As they did; for as much as this the example of the superiors can do.

A house was bought for lodging of the Religious, and at once was the first Church of that Province, where the next day was celebrated the first mass. And hoisting the trium-

14. The Franciscans did not want to share the field with any other Order.

15. Meaning the Pueblo Indians of all New Mexico in general.

phal Standard of the Cross, possession was taken, as well in the name of the Roman See as in that of the Imperial [throne] of Spain. To the first fruits of which there succeeded, on the part of the soldiers, a clamorous rejoicing, with salvo of arquebuses; and, in the afternoon, skirmishings and caracolings of the horses. And because the presence of the Governor was already more necessary in the Headquarters of the *villa* [Santa Fé] than in that place, he arranged to return with the Father Custodian and his companions. The Father Fray Roque de Figueredo pleaded exceedingly to remain there to convert those Gentiles. Well known in this Kingdom for his great prudence, virtue and letters; [he is] endowed with many graces, the principal and most necessary [ones] being to administer and teach these Indians in the Divine worship, as they [now] are; to be eminent in the Ecclesiastical chant, counterpoint and plain; dextrous with the instruments of the Chorus, organ, bassoon, and cornet; experienced in preaching many years in the Mexican [Aztec] tongue and in Matalzinga:[16] of clear understanding and quick to learn any difficult language. Him—while he was *Definidor*[17] of the Province of the Holy Evangel, and a person that all that [Province] looked upon with especial love and respect—God disposed and fashioned with labors for this conversion (a style He observes with His servants), as [he did] St. Paul, whom with violent calling He prepared for Preacher to the Gentiles. The which proves well the words that Christ our Lord said of St. Paul, that He had shown him how much it availed to suffer for His holy name. The Governor took his leave with the regret due a company so religious and holy.[18] With Fray Roque remained Fray Augustin de Cuellar, Priest, and Fray Francisco de la Madre de Dios, Lay Religious, and three soldiers. The Father Fray Roque convoked the Indians of the pueblo—the greatest was called Zibola, [and was] the head town of the others—and, by the interpreters whom he carried, he gave the Indians to understand the cause of his coming, which was to free them from the miserable slavery of the demon and from the obscure darkness of

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16. The district of Matlazinco lay in the Valley of Toluca, to the west of Mexico City.

17. An elected councillor of the chapter of the Franciscan Order for all New Spain.

18. It was on the journey back to Santa Fé that the inscription of August 5 was written on El Morro.

their idolatry; and to make them dwellers of yonder great House (so they call the Sky), giving them to understand the coming of the Son of God to the world. The which they heard with much attention, since they were knowing people and of good discourse; beginning at once to serve the Religious by bringing them water, wood and what was necessary. In this prosperous condition the affairs of Zuñi were going; whose progress shall be treated soon in their place and occasion.

*Because this report is very long and will not go on one folio (a sheet of four pages), it has been divided in two, and so the second very full* [*folio*] *will be issued immediately after this.*[19]

SECOND REPORT, OF THE MAGNIFICENT CONVERSION WHICH HAS BEEN HAD IN NEW MEXICO. SENT BY THE FATHER FRAY ESTEVAN DE PEREA, CUSTODIAN OF THE PROVINCES OF NEW MEXICO, TO THE VERY REVEREND FATHER FRAY FRANCISCO DE APODACA, COMMISSARY-GENERAL OF ALL NEW SPAIN, OF THE ORDER OF ST. FRANCIS; GIVING HIM AN ACCOUNT OF THE STATE OF THOSE CONVERSIONS, AND, IN PARTICULAR, OF WHAT HAS HAPPENED IN THE EXPEDITION WHICH WAS MADE TO THOSE REGIONS.

*With permission of the Señor Vicar-General, and of the Señor Alcalde Don Alonso de Bolaños. Printed in Seville, by Luys Estupiñan, in the Street of the Palms. Year of 1633.*[20]

The Father Fray Francisco de Porras, a man approved in virtue and sanctity, Master of Novices who was for six years in [the convent of] St. Francis in Mexico, desired to penetrate the country beyond, relieve more souls and discover much people. Taking leave of his good friend the Father Fray Roque, he set forth from Zibola with two religious—Fray Andres Gutierrez, Priest, and Fray Christoval de la Concepcion, Lay Religious—Apostolically, with their crucifixes at the neck and staffs in their hands. Twelve soldiers accompanied them—more for piety, not to leave so saintly an enterprise, than as a defense and guard, which was very limited among so many peoples, as dextrous at

19. This explanatory note was not written by Perea, nor by Apodaca, but by the publisher in Seville. The two parts (divided for convenience) came as a single report *(relación)*, and the misleading heading of the second installment was added in Spain.

20. The two installments bear different year dates, yet probably appeared within a few days of each other.

arms as [they were] stubborn in combat. Traveling by their daily stages, they arrived at the Province of Moqui [on the] day of the glorious St. Bernard (which is the title that pueblo now has). It is eighty leagues removed from the *Villa* of the Spaniards [Santa Fé]; a more temperate country and like that of Spain in the fruits and grains which grow here. Much cotton is harvested; the houses are of three stories, well planned; their inhabitants great laborers and solicitous in their work. Among them the vice of intoxication is a great reproach. For amusement they have their appointed games, and a race in which they run with great speed. Here they received the Fathers with some lukewarmness, because the demon was trying by all ways to impede and hinder the promulgation of the Divine law, as he attempted at this season. And although in their oracles he speaks to those their own ministers and they see him in his formidable aspect, now he took for instrument an Apostate Indian from the Christian pueblos; who, going on ahead, said to them of Moqui that some Spaniards, whom they would see directly, were coming to burn their pueblos, rob their belongings and behead their children; and that the others with crowns and robes were so many deceivers, and that they must not consent that they should put water on their heads, because at once they would be sure to die.

This news so disturbed *(alteraron)* the Moquinos that they secretly summoned in their favor the neighboring Apaches, with whom at that time they had truce. This uneasiness our people sensed upon entering the place; wherewith they roused their watchfulness so greatly that they did not sleep in all the night, guarding against the sudden assault. The second night, the soldier who was on sentry perceived the murmur of people. He called his companions, who briefly made themselves ready, with their horses caparisoned, by the time the opposing Captains arrived to catch them unprepared. And seeing them on their guard, they [the Indians] asked them "how [it was] they were not sleeping." And the Spaniards, knowing their treachery and malice, responded that "the soldiers of Spain did not sleep, because they were prepared to defend themselves and injure their enemies." Next night they did the same; and being unable to endure the waylayings of the Indians, they menaced them, saying that if they attempted to damage such noble guests as they had, the Governor would come upon them with his power, to lay waste and burn their

pueblos and lands. Seeing their evil intention understood, [the Indians] went away confounded. Meanwhile the Religious, soldiers of the Gospel, armed themselves with the harness of prayer to subject and conquer the tricks of Lucifer; and animated by that valorous impulse which heaven communicates to its Evangelizing messengers, setting little value on the cavilings in opposition, they went forth through the streets preaching. At the resonant echoes of which, men and women came quickly, compelled by a secret admonition. And not alone those of the pueblo, but from the surrounding valleys and neighboring mountains. And when these holy men saw that the Indians were already arriving without fear, they gave them some trinkets which they had brought—such as hawks' bells, beads, hatchets and knives—that they might be assured that [the Fathers] came more to give unto them than to ask from them. But the Indians excused themselves, for they had accepted that evil prognostication of the Indian who told them that upon receiving anything they would be sure to die. But they emerged from all their doubts and were converted to our holy Faith, by a great miracle which our Lord wrought in that pueblo through the medium of his servants. [Of the which, for now, report is not made, since it has not come authenticated.][21]

Returning to the Father Fray Roque de Figueredo, in Zuñi where he was, the General Adversary made the same tradition,[22] saying to the Indians,, with menaces, that they should eject this strange Priest from their country. They put it into operation, all manifesting themselves in such manner that now they did not assist, as they were wont, to bring water and wood, nor did one [of them] appear. By night was heard a great din of dances, drums and rattles *(caracoles)*, which among them is a signal of war. And holding it [war] for certain, although he was already prepared for every adversity, he [i.e., Fray Roque] was then in the surrounding peril with the most lively concern. But God succors His own in their greatest necessity. And so, as he [Fray Roque], one of these nights, was beseeching God with fervent petitions that He would communicate His eternal light to the abyss of that darkened people—at midnight he saw entering his retreat two Indians of tall and

21. Probably an interpolation by Fray Apodaca.
22. Evidently a printer's misreading for *traición*, treachery.

gallant stature, to appearance Captains, with plumes of feathers and with weapons prepared, ready for war. Well might the famous Soldier of the Church conceive that that crisis was the last of his life; and going upon his knees he offered it [his life] to God, with more desire to suffer triumphantly than fears of the fatal blow at the barbarous hand of the Indians. They, gathering from the demonstrations of the Religious that he was expecting death from them, reassured him by signs—giving him peace with their arms crossed. Fray Roque replied in like manner, with benign and loving face. He called the interpreter who was asleep, and through him explained to them that his coming from such remote regions to theirs was not with a mind to deprive them of their belongings, because he, and those of his Order (Religion) desired to be the poorest in the world; that rather he brought them their remedy and riches for the true knowledge of one sole God in Trinity of Persons; and that this sole God was so powerful and strong that having Him on their side they would be protected and defended as well against their spiritual as their corporal enemies; and that as God was the eternal Truth, this shield sufficed that they [need] not fear the nocturnal shades of those false gods whom they were adoring. They, with the most civil words they knew, gave him thanks for the great toil of having come to their country, without more interest or profit than to seek their well-being and repair; that because they understood it, they had come to supplicate him, as Caciques and lords (as they were) of some settlements five leagues from there, that he would think well of going to their pueblos, where they wished to have him, to regale and serve him, and that he should not remain there [in Zibola] with a people that met his paternal love with so much ingratitude. In these colloquies, and others upon the matter, they stayed until the day, but at its first resplendency they took their leave of the Father Fray Roque, saying to him: "Rest, Father; do not be anxious, and leave it in our charge to talk to and subdue the Captains of this pueblo." Well did the Father Fray Roque perceive that this visit came guided by heaven; and thus he remained, singing the mercies of God for so great favor in such an exigency.

The Caciques fulfilled their word, and came next day with the *Principales* and Captains of the pueblo, beseeching pardon for their ill hospitality, confessing that the oracle of their god had tricked them, that he had told them that

with the water of Baptism they were sure to die. And if it is well considered how the words of the Demon are equivocal, he meant to tell them that they must die for their fault and sin, and for his dominion, since with the water of Baptism a soul is born again to a new life of grace. To this they added that not only they but all that pueblo wished to be washed with holy Baptism. The Father Fray Roque received them with amicable caresses, and began at once to instruct them and teach them in the Faith; principally the Caciques, who remained with him some days. And seeing that they were well catechised and sufficiently apt, he arranged for their baptizing. And in order to make this act spectacular, he ordered a high platform to be built in the plaza, where he said Mass with all solemnity, and baptized them [on the] day of the glorious St. Augustine,[23] of this year of 1629, singing the *Te Deum Laudamos*, etc.; and, through having so good a voice, the Father Fray Roque—accompanied by the chant—caused devotion in all. He gave the name of Agustín to the most principal [man], baptizing, together with him, other *principales,* and eight infants, children of Christians [who had] fled from the Camp of the Spaniards, in sight of that copious multitude which in suspense watched the celebration of those two Sacraments adorned with such pure ceremonies. The most principal Cacique, now called "Don Agustín," after being baptized, turned around to the people with singular spirit and made a great exhortation, animating those present to receive so good a law and so good a God; and in order that they should come forth from their error, that they should perceive that he had had himself baptized, and that he had not died, but rather felt himself in great rejoicing and courage in his heart, wherewith he judged that he was more valiant than before. Whereat all cried out with one voice, begging to be Christians, and that the Father would teach them that holy law. In the culture of these primitive flowers of this new Church, and in offering to God so many souls, converted with his labor and holy zeal, the Father Fray Roque remains. Happy employments of so well-aimed purposes; since he has found life in Christ, who was determined to lose it for love of Him.

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23. Hodge, *Benavides: Memorial,* 209, explains that the day must have been that of St. Augustine of Hippo,-August 28. The phrase "of this year of 1629" is clearly the original wording in Fray Perea's report.

In this time[24] the Apaches *(misprint:* Apoches)—the fiercest and most valorous Nation that is known in those parts; so extended that it is spread around the whole of New Mexico—have come to ask for peace with the Christian Indians, and Spaniards; and also for Ministers who may baptize them; although already there are two [Ministers] among them. And [it is] of much importance, for holding bridled the daring with which they did much damage.

They gave to the Fathers twelve Indians who should come with them; and a boy, that he might learn the Castilian tongue and he teach [them] his own, whom they brought to the *Villa* of Santa Fé, where they were received with general applause, due to the triumph of their heroic enterprise. There they arranged to provide wagons and the other requisites to return to the Humanos the coming March.

The country is abundant and productive in herds and fruits; so much so that from one fanega of wheat a hundred are harvested. Copious in metals and exquisite stones; and in silver, so much that it yields eight ounces by quicksilver [treatment] and four marks by smelting.[25] This is what there is to report at present of what has happened in this expedition.

GOD BE PRAISED (LAVS DEO)

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24. In the three short closing paragraphs it is impossible to distinguish the elements which are due respectively to Perea, Apodaca, and the "editor" in Seville. "In this time" identifies the matter with the year 1629; "in those *(aquellas)* parts" is from Apodaca apparently; the picture of the Apaches spread around the whole of New Mexico is an echo of Benavides' *Memorial* (first published in Spain in 1630), unless perchance Benavides had seen the manuscript of Perea's *relación* and was quoting from him! This part also appears to have been abridged, in order to bring it within the scope of the second *pliego* (folio of four pages) on which it was printed. As a result, the work being done among the Apaches is inextricably confused with that among the Jumanos. Evidently, however, the missionaries to the Jumanos had come in to Santa Fé and were planning to return the following March (1630) with supplies and equipment in some of the king's carts.

25. This paragraph may have been added by Benavides.

# NECROLOGY

## Luther Foster

In the death at Las Cruces on June 17th of Professor Luther Foster, New Mexico and the West have lost one of their pioneer educators. His spirit has returned to God and his body has been committed to the grave, but his memory will abide in the hearts of those who, through many years, came within the circle of his kindly counsel and genial friendship.

The background of his life and service in New Mexico may be stated briefly. Luther Foster was born at Whitehall, Indiana, on October 5, 1848. While still a boy, his family moved to Ottumwa, Iowa, where he had his first schooling. When he was fourteen, he joined the Union army, serving in the Third Iowa Cavalry. After the war, he continued his schooling and in 1868 entered the Iowa State Agricultural College at Ames. He received his B.S. in 1872, one of the first to graduate, and then began teaching in Monticello, Iowa, where he was high school principal and later county superintendent. At Independence, Iowa, in July, 1876, Mr. Foster married Miss Lou Curtis, who survives him with two of their daughters.

Beginning in 1885, Professor Foster was identified with agricultural education in four of our western states before he came to New Mexico. Until 1893, he was teaching in the State College at Brookings, South Dakota. In that year he was called to help establish a similar college at Bozeman, Montana; in 1896 he became director of the state agricultural experiment station in Logan, Utah; and in 1900 he took a similar position in Laramie, Wyoming.

Professor Foster's long and efficient service to New Mexico's agricultural and educational interests began in 1901 when he came to Las Cruces as president of New Mexico A. & M. A. He served for eight year in that capacity, helping to build up the institution and making hundreds of friends among the students and their parents in every section of this state. It is stated by many of the

appreciative alumni of the college that Professor Foster's influence as an educator and as a friend was one of the most important factors in their lives. Following his work as president, he became director of the New Mexico experiment station and later held the chair of professor of agriculture at the college. He discontinued his active work at the college in 1921, but has never ceased to take the greatest interest in the continued success of the institution and in the lives of its students. In appreciation of Professor Foster's great service to the college, one of the finest and most recently constructed buildings on the campus, the agricultural building, bears the name Foster Hall.

Following his retirement from the college Professor Foster continued a busy and active life, carrying on an extensive farm loan business with headquarters at Las Cruces. He was a member of the Phil Sheridan Post of the G.A.R. of this city, and with his death Las Cruces loses the last member of that splendid patriotic organization. Since 1872 Professor Foster has been a Mason, and during his residence in Las Cruces he has been an active member of Aztec Lodge. He was also a Knight Templar.

Those whose memories of the Mesilla Valley go back twenty-five and thirty years recall old Hadley Hall (of which today only the corner-stone remains) with its lovers' nook in the library; the Girls' Dorm, with its Saturday night dances—which closed sharp at ten o'clock; the rambling group of shacks known to the boys as "Klondike"; the Seed House, where the Farmers' Ball was the event of the year. The campus was littered with prep. kids in knee pants and girls with pig-tails and bow ribbons. The auto was unknown; it was the day of saddle-ponies and horse and buggy, and pupils came from miles away to the fountain of learning. The older students lightened the tedium of studies with strolls in "Lovers' Lane," with picnics and parties to the *bosque*, or the sand hills, or to Van Patten's in the mountains. The astronomy class was popular, and so were field excursions. There was a secret literary society, and there were some wonderful theatricals and concerts in those years.

Ever present among the crudities of youth and the limitations of equipment was the unfailing equanimity of President Foster, and many a man and woman who is looked up to in his community today remembers with sincere gratitude the sympathetic understanding and friendly helpfulness of Luther Foster.

Two appreciations are given herewith, from the *Las Cruces Citizen,* one by the present head of our State College and the other by one of the early students, now head of the experiment station there.—L. B. B.

Luther Foster served as President of the New Mexico College of Agriculture and Mechanic Arts from 1901 to 1908 and then was connected with the institution as director of the Experiment Station, and later as head of the Animal Husbandry Department until June 30, 1921. For a period of twenty years then he was intimately connected not only with the Agricultural College but with the development of agriculture in the State of New Mexico. As president of the college his influence extended not alone to agricultural development but to the education of young men and young women, to the development of educational standards and the building up of a finer type of citizenship in the state. Ever since I have been in the state old friends of his have asked to be remembered to him and acknowledged their gratitude and indebtedness because of his services and influence. Those who were more closely associated with him can and will speak more intimately of his services within the state. I wish to speak of the larger field of work which he and men of his time influenced and developed. Mr. Foster was a member of the first class to graduate from the Iowa State College of Agriculture. That means he was among the very earliest of those few men who graduated in the first class to graduate after the establishment of the Land-Grant colleges. At the time Mr. Foster graduated the content of agricultural courses was very meager. The experiment stations had not been established. Such knowledge of technical and scientific agriculture as existed was the result of the gathering together of the accumulated experience of more intelligent and well to do farmers who had conducted tests or experiments with their own resources. Therefore as college courses are measured today we would say that the course in agriculture that was offered in the Land-Grant colleges at the time Mr. Foster graduated was not nearly equal to the modern high school course in voca-

tional agriculture. And yet it was the best that the land afforded.

Mr. Foster joined that large group of early graduates who devoted themselves to teaching and research work in the field of agriculture. For a period of fifty years he was one of the men who devoted themselves to the development and improvement of agriculture, experiment stations and the teaching work in agricultural colleges. He worked in four or five states before coming to New Mexico, making a contribution in each of those states and always I believe connected with the Land-Grant colleges or experiment stations in those states.

His passing, then, marks the passing of one of that group of pioneers who for fifty years spent their time and their energy improving the profession to which they devoted themselves. Because of his official connection with state institutions he of course contributed through suggestions and criticisms to national policies; national policies in education, in experiment station work, and later in extension work. It may be truly said of him, then, that he belongs to that group of great men who were the builders not only of a technical agriculture in America, but who were the builders of a scientific agriculture; of a system of agricultural extension work and of a system of research work conducted on the experiment stations.

Fifty years is a long time for one to devote himself to a particular and specific line of work. Men with the ability of Luther Foster made outstanding contributions during that fifty years. Unfortunately the public does not recognize or realize the influences of such contributions. This pioneer group made the agriculture of America. They made it possible to develop those lands in the West which have a limited rainfall and those lands which had to be developed through irrigation systems. They helped make it possible to improve our livestock, to improve our crops, to improve our poultry and our dairy production. That has helped to build the most gigantic industry in America and yet we think of them chiefly as teachers. The many friends of Luther Foster should remember him for his outstanding contribution as well as for his many contributions to the development of this state and his influence on the lives of college students and his kindness as a citizen and neighbor.

Mr. Foster should not be remembered alone as president of the college and director of the experiment station but as one of those citizens of the state who through a long lifetime was a builder of the major industry of America—

agriculture. Those of us who knew somewhat intimately his work will remember him as patriot, teacher, administrator, scientific investigator and constructive builder as well as for the fine Christian gentleman, good citizen and good neighbor which he was.

H. L. KENT.

It was my good fortune to know and to work with Professor Luther Foster for many years during the time that he was president of the New Mexico College of Agriculture and director of the Experiment Station and chief of the department of Animal Husbandry. Professor Foster was a pioneer in the development of agricultural education and agricultural research and extension in New Mexico. During the time that he was president of the New Mexico College of Agriculture and Mechanic Arts, the institution grew very rapidly with marked increase in enrollment. The number of instructors was increased from 22 to 37, and under his management the institution changed from a local college to a state-wide institution. In 1901, there were 140 local students out of an enrollment of 185, while in 1908 the enrollment showed 214 out of 317 students from counties other than Doña Ana County. In 1908 Professor Foster graduated the largest class up to that time and one which remained the largest for many years after that.

Professor Foster saw the farming industry's need for scientific and definite agricultural information, and thus he was instrumental in developing an efficient and strong research division. He believed in scientific agriculture, and although the funds available for this purpose were limited, several of the scientific departments of the institution now existing were started during his administration. During this time he started the departments of Horticulture, Irrigation, Soils, Animal Husbandry, and Dairying, and also helped in the movement for the creation of what is now known as the U. S. Forest Service Jornada Range Reserve for the study of range livestock management in the Southwest.

Professor Foster was always very kind and considerate both to students and his faculty. His kindly advice to many of the younger men who worked under him was always of the right kind and proved of great value in their future success. Those of us who are still living and knew Professor Foster will always have a pleasant memory for him in our hearts and in his passing the community has lost a most worthy character and a sincere friend.

FABIAN GARCIA.

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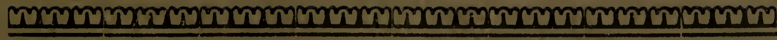

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# The Historical Society of New Mexico

(INCORPORATED)

*Organized December 26, 1859*

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1861 — MAJ. JAMES L. DONALDSON, U. S. A.

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*adjourned sine die, Sept. 23, 1863*

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*re-established Dec. 27, 1880*

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# CONSTITUTION

OF THE

## HISTORICAL SOCIETY OF NEW MEXICO

(As amended Nov. 19, 1929)

Article 1. *Name.* This Society shall be called the Historical Society of New Mexico.

Article 2. *Objects and Operation.* The objects of the Society shall be, in general, the promotion of historical studies; and in particular, the discovery, collection, preservation, and publication of historical material, especially such as relates to New Mexico.

Article 3. *Membership.* The Society shall consist of Members, Fellows, Life Members and Honorary Life Members.

(a) *Members.* Persons recommended by the Executive Council and elected by the Society may become members.

(b) *Fellows.* Members who show, by published work, special aptitude for historical investigation may become Fellows. Immediately following the adoption of this Constitution, the Executive Council shall elect five Fellows, and the body thus created may thereafter elect additional Fellows on the nomination of the Executive Council. The number of Fellows shall never exceed twenty-five.

(c) *Life Members.* In addition to life members of the Historical Society of New Mexico at the date of the adoption hereof, such other benefactors of the Society as shall pay into its treasury at one time the sum of fifty dollars, or shall present to the Society an equivalent in books, manuscripts, portraits, or other acceptable material of an historic nature, may upon recommendation by the Executive Council and election by the Society, be classed as Life Members.

(d) *Honorary Life Members.* Persons who have rendered eminent service to New Mexico and others who have, by published work, contributed to the historical literature of New Mexico or the Southwest, may become Honorary Life Members upon being recommended by the Executive Council and elected by the Society.

Article 4. *Officers.* The elective officers of the Society shall be a president, two vice-presidents, a corresponding secretary and treasurer, and a recording secretary; and these five officers shall constitute the *Executive Council* with full administrative powers.

Officers shall qualify on January 1st following their election, and shall hold office for the term of two years and until their successors shall have been elected and qualified.

Article 5. *Elections.* At the October meeting of each odd-numbered year, a nominating committee shall be named by the president of the Society and such committee shall make its report to the Society at the November meeting. Nominations may be made from the floor and the Society shall, in open meeting, proceed to elect its officers by ballot, those nominees receiving a majority of the votes cast for the respective offices to be declared elected.

Article 6. *Dues.* Dues shall be $3.00 for each calendar year, and shall entitle members to receive bulletins as published and also the *Historical Review.*

Article 7. *Publications.* All publications of the Society and the selection and editing of matter for publication shall be under the direction and control of the Executive Council.

Article 8. *Meetings.* Monthly meetings of the Society shall be held at the rooms of the Society on the third Tuesday of each month at eight P. M. The Executive Council shall meet at any time upon call of the President or of three of its members.

Article 9. *Quorums.* Seven members of the Society and three members of the Executive Council, shall constitute quorums.

Article 10. *Amendments.* Amendments to this constitution shall become operative after being recommended by the Executive Council and approved by two-thirds of the members present and voting at any regular monthly meeting; provided, that notice of the proposed amendment shall have been given at a regular meeting of the Society, at least four weeks prior to the meeting when such proposed amendment is passed upon by the Society.

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Students and friends of Southwestern History are cordially invited to become members. Applications should be addressed to the corresponding secretary, Mr. Lansing B. Bloom, Santa Fe, N. Mex.

En el campo al pie de la Sierra de Navajo á los veinte y ocho dias del mes de Febrero de mil ochocientos treinta y cinco: hallandome gravemente enfermo de las heridas que Dios fue servido me dieran los Navajoes que nos atacaron en la precitada Sierra.

Digo yo Juan Antonio Cabeza de Baca en presencia de los testigos de asistencia q.e conmigo subscriben que por el presente confiero todo mi poder y facultad, en el caso de que Su Divina Magestad sea servido de llebarme para si como lo espero de su infinita bondad, á mi hijo Fran.co Tomas para que como instruido en mis negocios haga el repartimiento de mis bienes en los mismos terminos que yo lo haria si mis heridas me dieran tiempo p.a disponer mis ultimas dispociciones testamentarias: siendo advertencia q.e cuando me casé introduje treinta reces de fierro arriba, seis lleguas, cuatro [illegible] mulares, cuatro caballos y las tierras que heredé de mi Sr. Padre, en cuyos bienes no entrará en parte mi esposa y solo si mis hijos por no haver introducido al matrimonio cuando me casé ninguna cosa. Y despues de pagado cuanto debo y doscientas misas por el bien de mi alma con esepcion de los bienes citados se repartirán los demas por mitad á mi esposa y la otra mitad entre mis hijos. Tambien advierto q.e el pedazo de tierra que he aligado con D. Pablo Garcia se mida de ancho, se parta por la mitad á lo largo y una mitad se agregue á mis tierras y la otra mitad se entregue al mismo Garcia. Y para q.e conste lo firmé con los testigos de asistencia como dicho queda.

Juan Antonio
Cabeza de Baca

De As.ta
Fran.co Sarracino

De As.a
Santiago Abreu

As.a
Antonio Sena

**Last Will of Juan Antonio Cabeza De Baca**
"in camp at the foot of the Navaho Range, Feb. 28, 1835."
witnesses: Francisco Sarracino, Santiago Abreu, Antonio Sena. *(see page 246)*

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# LAS VEGAS BEFORE 1850

*By* VERNA LAUMBACH

## INTRODUCTION

THERE is now a blended atmosphere of modern life and antiquity in Las Vegas. To the rich, romantic civilization of the past has been added the restless, active civilization of today, and the two combine to make a town both old and new. It is colorful in story and legend, though to the casual observer it may be just another Southwestern town, nestled in the valley against the mountain range. With its paved streets, its progressive school and business houses, and its fine residential districts shadowed by cottonwood and elm, it is hard to believe that a little more than a hundred years ago it was only a meadow. In that meadow the same sleepy, little mountain stream wound through, and there the prairie chicken, the buffalo, and the Indian still enjoyed the freedom of their home.

Before New Mexico was well known to the Spaniards in Mexico it was a magical land where dreams of riches, adventure, and glory, were supposed to come true. Many dreams were broken, and lives and fortunes were lost, in the long, difficult period of exchanging the red man's culture for the white man's. By 1821 the Pueblo Indians were fully subdued, but there were still the plains Indians—especially the Apaches and the Navahos—who held the outlying and poorly protected districts in terror. For that reason much of New Mexico was as yet unoccupied by the Spaniard, and there were few large settlements. Santa Fé,

the capital since about 1610, with approximately 6,000 souls, was the most important town, and traders coming from the United States down the Santa Fé Trail saw its ancient walls after the long journey with as much joy as the pilgrims in Palestine viewed the first sight of Jerusalem.

Before trade with the United States became prevalent, the settlers here depended for their luxuries on the long, expensive trade route from New Spain to Santa Fé. After Mexico gained her independence in 1821, trade with the United States was more favorable, and by 1822 Becknell had established the Santa Fé Trade between the two countries.

It was a romantic life to be a trader, and filled with danger and adventure. Uncertainty of a water supply and the Indian problem were responsible for the loss of many lives. In 1843 Antonio José Chavez was murdered by Texan marauders near the Little Arkansas, and there were many other casualties. Nevertheless, the good pay involved and the thrill of a new country, kept the Santa Fé Trail well traveled by caravans of precious goods.

Gregg, in his *Commerce of the Prairies,* gives a very good picture of the Santa Fé Trade. Each man, on starting from Independence, needed a supply of 50 pounds of flour, 100 pounds of bacon, 10 pounds of coffee, 20 pounds of sugar, and a little salt. Fresh meat was supplied on the way by killing buffalo, for the buffaloes, although rapidly disappearing, were still plentiful. Fruit and nuts also might be gathered in some regions. The necessary utensils were a skillet, frying-pan, sheet-iron camp kettle, coffee-pot, tin cup, and a butcher knife. Buffalo rugs and blankets served for covering at night, in which the travelers rolled up to sleep, usually on the ground. Each man slept in front of his own wagon, while the stock was kept within the corral made by the circle of wagons. It was necessary for somebody to keep watch because of the Indians, and every man, whether guest or not, was pressed into this service.

The route varied a little, from Independence to Santa

Fé, but it is safe to judge that it usually passed through the present site of Las Vegas. Sometimes traders camped on the banks of the little stream running through the meadow, and at night the trees lining it were black with prairie chickens. It seems reasonable enough that from the presence of so many prairie chickens the Gallinas River received its name. The name of Vegas Grandes (the Great Meadows) was given to this region, and it was designated by that name when the grant of land was given to Luís María Cabeza de Baca.

## History of the Land Grants.

Land grants in the Southwest have an interesting history, for they played an important part in the settlement of the country. Land grants were given by both the Spanish and Mexican governments, and for various reasons. Usually the grantee was a deserving citizen who was given an area of land so vast that it rivalled even the feudal barons of Europe and the plantation owners of the South. The Las Vegas Grant had an area of 431,653.65 acres, and there were other grants, such as the Maxwell Grant, that had an area much larger. In his domain the grantee, with his Indian peons, had practically the same power as a feudal lord. He could live as royally as he pleased—if the Indians would let him. However, the untamed Indians and the arid condition of much of the land rather prevented a grantee from living in great style and comfort.

The boundaries of these grants were very indefinite, due to lack of good surveying instruments, and they caused much worry to the American surveyor general later. An example of the boundary of the Las Vegas Grant is as follows:

> A pine tree nine inches in diameter, bears south twenty-five degrees, fifty-six minutes east, one hundred links distant, marked L.V.G., 3m., B. T.
>
> Thirty-five chains, descend sandstone ledge thirty-five feet high, bears east and west, thence over large boulders of sandstone.

> Forty-nine chains, dry creek bed, fifteen links wide, water in pools, course south seventy degrees east, Foot of descent of two-hundred and twenty-five feet, ascent.[1]

A grant of land, called the Vegas Grandes, in the jurisdiction of San Miguel del Bado, was petitioned on January 16, 1821, by Luís María Cabeza de Baca.[2] This man claimed relationship to the famous Alvár Núñez Cabeza de Vaca.[3] He petitioned the Provincial Deputation in the city of Durango, capital of the Internal Provinces of which New Mexico was then a part. There had been a petition made before to the authorities of the Internal Provinces for the Vegas Grandes, and on February 18, 1820, it had been granted to Cabeza de Baca and eight others. The other petitioners, however, had lands and interests elsewhere, and since they had made no improvements on this grant Luís María Cabeza de Baca wanted it for himself and his seventeen children. This grant was bounded on the north by the Sapelló River, on the south by the boundary of El Bado, on the west by the summits of the Pecos mountains, and on the east by Aguaje de la Llegua and the boundary of Don Antonio Ortiz' grant.

On May 29 the president and secretary of the Provincial Deputation at Durango informed the governor of New Mexico that he had decided to confer on Cabeza de Baca the land for which he had petitioned. In 1823 the governor and political chief, Don Bartolomé Baca, directed the alcalde of San Miguél del Bado to place Luís María Cabeza de Baca in possession, and on October 17, 1823, with the usual ceremony, this was done.

Luís María Cabeza de Baca, with his servants, then built a ranch on his grant and placed on it his stock, con-

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1. Copy of original land grant in the Land Grant Office.
2. Records of Mr. Pettit, abstractor.
3. The family of Cabeza de Baca (or Vaca) is very old and may be traced back many centuries in Spanish history. There is a story that the family was knighted in 1235 after the Spaniards were led to a victory over the Moors, by the leader using the head of a cow as a sign. The title of Cabeza de Vaca was given then and it is still used. Today in this region it is designated merely by C. de Baca. This material was given by Mr. J. T. McCullough.

sisting chiefly of 600 mules and horses. He lived in a hut at the place known as Loma Montosa for a number of years, and there he attempted to fulfill his reasons for wanting the grant, as stated in his petition—"to cultivate the soil, advance the interests of agriculture, pasture the animals Providence had been pleased to favor him with, and live in the quietude and repose he aspired to." [4]

Cabeza de Baca was not allowed to remain in peace on his grant, and was soon driven away by the increased hostility of the plains Indians. They had stolen his 600 horses and mules, valued at $36,000; so he removed to Peña Blanca. There he was killed in 1827 by a Mexican soldier when Baca refused to give up some contraband property belonging to an American.[5] It was not until 1835 that it became safe enough to live on the Vegas Grandes again, and in that year a second grant was petitioned by a different party.

The second grant was petitioned on March 20, 1835, by Juan de Diós Maese, Miguél Archuleta, Manuél Durán, José Antonio Casaus, and twenty-five others. It had practically the same boundaries as the first. On the north was the Sapelló River, on the east was the boundary of the grant of Don Antonio Ortíz and the Aguaje de la Llegua, and on the south was the boundary of El Bado. The same day the grant was asked for, the ayuntamiento of El Bado recommended it to the Territorial Deputation, and on March 23, 1835, the grant was made with some added provisions. These provisions were that persons owning no land were allowed the same privileges as the petitioning settlers, and the pastures and watering places were free to all. On March 25 Don Francisco Sarracino, governor and political chief, directed the alcalde of El Bado to place the settlers in possession and have them select a townsite.

Because there were two Las Vegas grants some trouble

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4. Copy of original petition in Mr. Pettit's office.

5. Records of testimony concerning the land grants, found in Mr. Pettit's office. For another reference to this affair, see the former quarterly *Old Santa Fé*, I, 260-261.

naturally arose. The last grantees contended that the grant made to Cabeza de Baca by the Provincial Deputation at Durango was void because it was in the year that Mexico won its independence from Spain, and the country was in confusion. In some places the people had not known about the change, and authorities had continued to exercise their power given by the King of Spain. However, since it was believed that the capital of Durango then held jurisdiction over New Mexico, it was decided that the deputation at Durango had acted within its bounds. The Territorial Deputation of New Mexico also in 1825 had confirmed the Cabeza de Baca grant which would make it valid.

The grant made to Juan de Diós Maese and others was protested against by the heirs of Cabeza de Baca. In the complaint filed it was stated that Maese and the others knew at the time they petitioned that there was a prior grant in existence. The complaint also gave the reasons that prevented the heirs from regaining possession of their land. These were the infancy of the heirs at the time, the internal revolution of the Republic of Mexico, and war with the United States. The living sons of Cabeza de Baca at that time were Luís, Prudencio, Jesús the Second, Domingo, and Manuél. Those dead were Juan Antonio, José, José Miguél, Ramón, and Mateo.[6] After the father died Juan Antonio, as revealed in testimony, acted as manager of the affairs, until he was killed by the Indians.

These conflicting land claims were not settled until after the American Occupation when Pelham was appointed surveyor general for the United States. His duty was not to decide which claim was right, but only to decide if the

6. Testimony concerning the land grants, Pettit's office. These names were copied from the records but for some reason do not number the seventeen which were mentioned in the petition. In Twitchell's *Spanish Archives*, I, 47, all the children of Cabeza de Baca were named. In his first marriage to Ana María López the children were Antonio, Juan Antonio, Rosa, José Domingo, Guadalupe, Miguél, and Ramón. In his second marriage to Josefa Sánchez the children were Luís María, Prudencio, Mateo, Josefa the First, and Luz. In his third marriage to Encarnación Lucero the children were Juana Paula, Jesús Bacalro (Cañonero), Juan Felipe, Jesús the Second (Carretero), Josefa the Second, Domingo, Manuél, María de Jesús, Luisa, and Luz.

claims should be separate from the public domain. He found that they were lawfully separated and beyond the disposal of the government. Congress then confirmed the grant to the town of Las Vegas, and allowed the older claimants, the Cabeza de Baca heirs, to select an equivalent quantity of land elsewhere. The conditions on which they were to select it were that it should not be mineral land, and should lie in square bodies.

## Growth of Las Vegas

When the second grant was given it stated that the settlers should provide lots for residences, and construct a wall surrounding the town. Each man must be supplied with arms which were to be inspected every eight days. No one should sell his land until he had acquired the title prescribed by law to all colonists. There was provision for 123 varas set aside for gardens, 25 varas for a road to the watering place, and on the south 75 varas more for gardens. The land should be distributed to all the individuals in the list, and the alcalde had the power to grant small allotments of land to colonists who came for farming purposes.[7] The gardens and roads were to be placed opposite the square plaza, and across the square a ditch was provided for watering the land. A warning was given that all gardens must be fenced, or no damages could be claimed. The alcalde reported to the governor that at Nuestra Señora de los Dolores de Las Vegas (the full name of Las Vegas), on April 6, 1835, he had apportioned the lands, taken the measurements from north to south, and given each individual a piece of land according to his means. This land was given on the condition that it should not remain uncultivated. From this humble beginning the town originated.[8]

7. Mr. Lucas, in his paper, *Historic Las Vegas*, states that Juan de Diós Maese was the alcalde who made most of these grants. The first copies, or testimonios, of the grants "are still the foundations of all titles to real estate in Las Vegas." So many of these grants were made that "the whole valley of the Gallinas was allotted to settlers."

8. Records of the land grants, Mr. Pettit's office.

The new town was on the Santa Fé Trail, and was one of the first stops for the caravans coming from the east. This trade was valuable because it helped Las Vegas grow, and it gave some of the travelers an opportunity to comment upon it as they passed through. It is interesting to note that most of these descriptions by travelers were not flattering. This may be explained by the fact that most of this country was as yet new and undeveloped.

One of the earliest mentions of this region was prior to the founding of the town and was made by Gregg in about 1831. He found a large flock of sheep grazing at the Gallinas Creek, and a little hovel at the foot of the cliff, showing itself to be a rancho. This was probably the first dwelling of Las Vegas, and was situated in what is now Upper Town.

After Gregg's account there is a period of ten years, or more, in which there seems to be no specific mention of Las Vegas by traders. It is safe to judge, however, that after the town was founded, and the Indian trouble was not so acute, it slowly progressed. There is available evidence concerning this period from early families who remember hearing their parents or grandparents tell about it.

From this evidence it seems that Upper Town was the first settlement of Las Vegas. The adobe houses were built compactly about the plaza, with few openings for wagons to come through. The buildings were made as fortress-like as possible, with the windows and doors opening out upon an inner patio or courtyard. For several years there were no windows on the outside wall, and even when there were later, they were always tightly shuttered at evening as a protection against the Indians and marauders. Today, when life is so comparatively safe, it is hard to realize the dangers through which these old colonizers passed. But even today, if one should go to Upper Town, he would find some resemblance of the old plaza still there—the houses built closely around it, the well in the center, and the ancient church still facing it. There seem to be no available records

showing when the first church was built, though early families state that the first church was in West Las Vegas, and the people from Upper Town went there to worship. It was always the custom to build a church as soon as a settlement was founded, and it is known that the early church of Las Vegas was a *visita*, or visiting church, of the older church of San Miguél.

For a while there were no outlying houses, but gradually a few were built in what is now West Las Vegas. Eventually West Las Vegas became more important than Upper Town, and there the houses, still made of adobe, were grouped about the plaza in much the same manner as in Upper Town. There was a well in the center of what is now the park, with a bucket for drawing up the water, and a fence built around it. The church was built on the west side of the plaza, in the site of what is now Guerin's store. A cemetery was behind it, extending to where the new church now stands. Years later, as the town grew, this church was abandoned for the new one named Our Lady of Sorrows,[9] which was built to accommodate the growing population.[10]

The Santa Fé Trade helped to build the towns along its route, and eventually the merchants and wealthy men in New Mexico began to operate their own expeditions to "los Estados", as the East was called. They would send as many as 35 wagons or more, twice a year, for goods with which to supply their stores and working people. They always had to be on guard against the Indians, and they thought up several schemes to protect themselves, such as eating their evening meal long enough before dark to make the camp fire less noticeable. Then in the early morning they

9. This name may have been given because the town's full name, as found in some early records, was Nuestra Señora de los Dolores (Our Lady of Sorrows) de Las Vegas.

10. The material on Upper and Old Town was given by Mrs. Manzanares and Miss Aurelia Baca. The Baca and Manzanares families, especially Don Rumaldo Baca, contributed a great deal of money toward the building of the new church. There were probably many other families, unknown to the writer, who also contributed to it.

would be off on the trail again. For some of these trips, which would usually take six months to go and return, the drivers would take provisions easily kept, such as biscochuelo (a hard bread), and carne seca (jerked meat). They would depend on the buffalo for fresh meat, called carne de cíbolo. On their return they would bring large quantities of food and clothing which would provide the town for several months. Most products were still too expensive for the poor class, and only the rich could afford sugar, tea, and coffee. Still it was a great day for all when they saw the long, weary caravans coming into town.

The route to Santa Fé varied a little, as wagons moved two or three abreast, or sometimes formed a new trail by eliminating a bad piece of road and making a short cut. The most traveled trail, which began in Kansas, moved westward, passing through Butte Creek, the regions where Capulín and Folsom now are, by the present Taylor Springs near Springer, through Wagon Mound, Watrous, Las Vegas, and on to Santa Fé. Some caravans came by the present sites of Trinidad, the Ratón Pass, and Cimarrón. Mora was not on the main route, but there were several roads leading to it, usually going through Watrous, the Fort Union site, and Golondrinas. The ruts of one old trail are still visible by the Saint Anthony Sanitarium, while the present University Avenue was once the road to the States.

Along the Santa Fé Trail, a few years before 1850, travelers again noted some of the progress made in Las Vegas. The progress was not very apparent, for the town was still mainly grouped about the plaza. There were no buildings on what is now Bridge Street, for that place was subject to the overflow of the river. Two bridges, before the concrete one, were washed away.[11] Homes were not built on the east side of the river until after the railroads came through in 1879. Before that time there were few houses on the east side, and only one house in the village not made of adobe. This was the court house, made of

11. Material given by Mrs. Manzanares.

stone, which is now used by the Ilfeld Company for a storehouse.[12]

The next account of Las Vegas after Gregg was in 1846 when there were about 100 houses in the town. Abert [13] gave a vivid description of it, as having a large open space in the middle, and streets running north and south, and east and west. The houses were of adobe, and the roofs had an inclination to turn the rain. The walls continued one foot above the roof, and had pierced openings through which the water could run. The acequia, or ditch, provided for in the second grant, was evidently still in use for it was described as running through the midst of the town, supplying water for irrigation. When Webb went through he said there were three or four hundred inhabitants, and that there were no Americans. He also mentioned the roads near Las Vegas which were very bad.

Doctor Wislizenus in his *Memoir of a Tour to Northern Mexico in 1846-1847* found the settlement of Las Vegas one mile from the creek, and composed of 100 odd houses.[14] He mentioned the "poor and dirty inhabitants" who cultivated their fields around town by irrigation and raised stock. The valley of Vegas was not as fertile as Mora, perhaps because it was exposed more to the rigor of winter. He, as most of the travelers, considered San Miguél a larger and wealthier settlement than Las Vegas.

One of the longest accounts of early Las Vegas is found in Mrs. Magoffin's diary, written in 1846 and 1847.[15] This town, because it was new to her, made quite an impression. She first spoke of the Mora Creek and settlement, which she called "a little hovel, a fit match for some of the genteel pig sties in the States." They passed the Vegas next and camped three or four miles on this side. The caravan arrived in Las Vegas at 2:00 P. M., and while dinner was being prepared for them, the curious travelers looked

12. Twitchell, *Leading Facts of New Mexico History,* IV, 223.
13. Webb, *Journal of a Santa Fe Trader,* footnote.
14. Twitchell, *Leading Facts,* IV, 207, note.
15. *Magoffin: Down the Santa Fé Trail and into Mexico* (ed. Stella Drumm).

around. Driving down a hill she speaks of the beautiful, little stream, circling the village and tempting one with its clear waters. They crossed the stream, and came in contact with the dwelling houses, pig sties, and corn cribs. When the carriage stopped the driver went in to get some delicacies, and Mrs. Magoffin imagined that her husband had enough money to buy out the whole town, and that if he would put her up as a show he would have a good business. She was the object of great curiosity to the village people, since an American woman, dressed in the American fashion, was a novel sight in most parts of New Mexico. She kept her veil drawn down for protection, but that did not stop the children from standing around her so compactly that it was hard for anyone to pass. These children's costumes, or lack of them, were also a novel sight to her, and as they stood with "their eyes opened to the fullest extent, and tongues clattering", she hardly could restrain her laughter. Her husband didn't.

They were finally called to dinner in a big room, and there men, women, and children swarmed around her like bees. The women, she observed, wore camisas, petticoats, and the famous rebozos, or shawls. The rebozos, mostly blue, were made of Mexican woven cotton, and the camisas and petticoats were made of cotton and red flannel. As they sat on the floor around her table, they smoked their cigarrettes. Some of them talked to her and she answered them as well as her knowledge of Spanish would permit.

Before the dinner was served an old man came in and spread a blanket on the table. Over that he spread a clean, white cloth, and Mrs. Magoffin imagined a fine dinner. She was disappointed, however, when he next spread on a cloth "so black with dirt and grease it resembled brown." For their dinner they had the typical dishes served in the Southwest, but as they were rather new to her she commented on them. There first came a half dozen tortillas made of blue corn, and wrapped in a napkin which in color "was twin to the last tablecloth." They also had cheese, and two earthen

jugs filled with a mixture of meat, chile verde, and onion boiled together. They had no knives, forks, or spoons, and for a substitute used a piece of doubled tortilla with each mouthful. She only ate four mouthfuls of the first course, because the chile was too strong, and so Mr. Magoffin called for something else. Then they were brought roasted corn rolled in a cleaner napkin, and this was relished more than the chile.

After the meal they returned to the carriage. Soon they were "hid from view by the mountains as the road wound along," and she was vastly relieved to be in the open again, beyond the gaze of the curious and "wild looking strangers." Their next dinner, at Bernál, which consisted of fried chicken, corn, and bean soup, was enjoyed more than the one at Las Vegas.

These pictures of Las Vegas, interesting and vivid as they may be, were not on the whole complimentary. The travelers were probably too unfamiliar with the new customs to appreciate them, and there may have been some more refined people, perhaps, than the ones crowding about the caravan. It would seem that there were a few wealthy families in Las Vegas as early as 1846, and knowledge of these would have lent added interest to the travelers' narratives. There was not a strict middle class, and the two main classes were composed of the wealthy group and their peons. Evidently it was the peon class that Mrs. Magoffin was describing.

When Mrs. Magoffin passed through Las Vegas with her husband, Samuel Magoffin, and a company of traders, she was on her way to Santa Fé. Kearny had passed through Las Vegas before her, and in a remarkably bloodless campaign, had taken possession of a foreign country for the United States. His way had been paved by James Magoffin, a brother of Samuel Magoffin, who had persuaded Governor Armijo and his followers to make no opposition.[16] Consequently Kearny, with his troops, passed from town

16. Magoffin, *Down the Santa Fe Trail and into Mexico.*

to town, advising the people of their change of government. The people, for the most part, took the change quietly, for they hated Armijo, and had already gained some acquaintanceship with the Americans through the Santa Fé traders.

Las Vegas was the first large settlement that Kearny came to in the Mexican territory, and on August 15, 1846, at 8:00 in the morning, he galloped into the plaza with his army behind him.[17] He was met by Alcalde Don Juan de Diós Maese and the citizens of the town. Then, with his officers, Kearny climbed to the top of an adobe building to address the people. Emory says it was on the north side of the plaza, but there are conflicting stories about which building it was. One story [18] says that the adobe structure now called the Dice Apartments, and then owned by Herman von Grolman, was the one used. Ike Davis, an old resident of this town, was told when he came here by an old man that Kearny had spoken from the roof or portal of what is now the Shaw building. At that time it had a flat roof, which has since been displaced by a pointed one.

When Kearny was on the roof, with his staff and the officers of the town beside him, he gave the following address to the people:

> Mr. Alcalde and people of New Mexico: I have come amongst you by the orders of my government, to take possession of your country and extend over it the laws of the United States. We consider it, and have done so for some time, a part of the territory of the United States. We come amongst you as friends, not as enemies; as protectors, not as conquerors. We come among you for your benefit, not for your injury.
>
> Henceforth I absolve you from all allegiance to the Mexican government, and from all obedience to General Armijo. He is no longer your governor (great sensation in the plaza); I am your governor. I shall not expect you to take up arms and follow me to fight your own people who may

17. Emory, *Notes of a Military Reconnoissance.*
18. Lucas, W. J., *Historic Las Vegas.*

oppose me: but I now tell you, that those who remain peaceably at home, attending to their crops, and their herds, shall be protected by me in their property, their persons, and their religion; and not a pepper, not an onion, shall be disturbed or taken by my troops without pay, or by the consent of the owner. But listen! He who promises to be quiet and is found in arms against me, I will hang.

From the Mexican government, you have never received protection. The Apaches and the Navajoes come down from the mountains and carry off your sheep, and even your women, whenever they please. My government will correct all this. It will keep off the Indians, protect you in your persons and property; and I repeat, will protect you in your religion. I know you are all great Catholics; that some of your priests have told you all sorts of stories; that we would ill-treat your women, and brand them on the cheek, as you do your mules on the hip. It is all false. My government respects your religion as much as the Protestant religion; and allows each man to worship his Creator as his heart tells him best. Its laws protect the Catholic as well as the Protestant; the weak as well as the strong; the poor as well as the rich. I am not a Catholic myself I was not brought up in that faith, but at least one-third of my army are Catholics and I respect a good Catholic as much as a good Protestant.

There goes my army; you see but a small portion of it; there are many more behind; resistance is useless.

Mr. Alcalde, and you two captains of militia: the laws of my country require that all men who hold office under it shall take the oath of allegiance. I do not wish for the present, until the affairs become more settled to disturb your form of government. If you are prepared to take oaths of allegiance, I shall continue you in office and support your authority.[19]

When he had finished speaking he noticed that the captains looked with downcast eyes upon the earthen roof,

19. Emory, *Notes of a Military Reconnoissance.*

so he said in the hearing of all: "Captain, look me in the face while you repeat the oath of office." After the oaths were administered, Kearny descended from the roof. There is one legend that he rested for a few minutes behind the Shaw building, under a large tree which is still standing. There is no absolute proof of this, and Emory said he soon mounted "and galloped away to the head of the column. The sun was shining brightly. . . ."

Las Vegas had a prominent position during the military occupation, for a large post was established here. It was maintained until 1850 when Colonel E. V. Sumner built a large post near by in the Mora valley. This new post was called Fort Union, which was one of the largest forts in the Southwest. After Las Vegas became a part of the United States more definite records were kept, and from then on its history is more accurate.

## Life in Early Las Vegas

All of the travelers who wrote of Las Vegas praised certain common characteristics of the Spanish people, such as their courtesy, charity, and companionship. Here, in this dim region, contact with the outside, foreign world was small, and there was not the hurry and worry of a modern, industrial nation. Ancient customs, in the poor class especially, were handed down through the years almost unaltered. Naturally there were not many of the conveniences we think so necessary today, but there was a peace of mind and a contentment, that kings desire and never find. Life was comparatively simple at first, for the average man was satisfied with his home, his garden and flocks, and the bright blue sky overhead.

Despite the similarity of some national characteristics, the type of life which the poor and the rich led was vastly different. A reason for this may have been that there wasn't a middle class, and while the wealthy man could afford many luxuries the peon or common settler lived in a very humble manner. It might be interesting to note

some of the daily occurrences in a poor man's life, in order to understand more fully and contrast it with that of the rich man.

The Spaniard of the lower class arose in the morning as carefree as the birds on his doorstep, for his wants were simple. Manufactured goods from the States were luxuries and very expensive. They were too expensive for him, so he lived mostly by his own ingenuity. Nearly everything he surveyed about him was hand made. The floor of his house was made of dirt, and the walls were covered with clay, and whitewashed. There was little furniture, except perhaps a few pine-board chairs and settees; while folded mattresses against the walls, covered with a blanket, were comfortable sofas. His wife and children preferred at times to sit on the floor in their blankets, Indian style. A fireplace served for heating and cooking purposes, and when his wife had made his breakfast, he and the children took their bowls of food and sat around quite informally, because few homes had tables. In some respects the early families seem to have borrowed the customs of the Indians.

If the man was a peon, working for one of the wealthy families, he probably then would go out to the large fields and pastures of his employer. If he was not, he would go out to work in his own little garden and field, for in early Las Vegas each home appears to have had its strip of land running down to the river, which was used for a garden and field. There were a few domesticated animals in his pasture, such as hogs, sheep, horses, mules, and burros. The burro was the favorite beast of burden for the lower class, though unpedigreed horses were owned by some. The mule was valuable for loadable purposes, and the father, as he worked in the old, tedious way of his forefathers, saw a pack train of mules going by, laden with snugly packed bundles. He also saw a friend going by in the clumsy *carreta,* or cart, with its wheels made of cottonwood, hewn into shape. They talked a bit, for there was no hurry about anything—the man in the cart would reach his destination soon

enough, and the garden would wait. What did a few minutes, or a few hours, matter as long as there was a friend to pass the time of day with, and life was so easy to live in this dreamy land?

As they talked they saw a handsome caballero going by—a visitor going to the big, near by house. Perhaps he came from Santa Fé and was bringing news of some kind. He sat very grandly and gracefully on his spirited horse, and his fine clothes showed off to good effect in the bright sunshine. Little children ran and stared at him as he passed. He wore a large sombrero, a gay jacket, and pantaloons caught at the waist with a rich sash, and trimmed with buttons. His *botas* were new and a colorful *serape* served as a cloak. After they had speculated on him, they then discussed horseracing and the last chicken fight. The night before there had been a dance, and all the young men and señoritas were there, as well as the old people, to indulge in their favorite amusement—the dance. It was a wonderful affair, for the Spaniard is famed for his grace in dancing, as well as for his superb horsemanship.

Meanwhile the sun had climbed higher, and the friends reluctantly parted. The cart rumbled along, and the erstwhile farmer went to his house to see what was in store for lunch. He found his wife preparing *tortillas*. She had first boiled some corn in water with a little lime in it to soften the shells. Then she ground it fine on a *metate*. When ground fine enough she patted the *tortillas* out very thin with her hands—for there was an art in making them thin—and then placed them on a hot sheet-iron over the fire. She turned them carefully so that they would not burn. There were also chile and frijoles prepared, and *atole*, a thin mush of Indian meal. The *atole* was a favorite beverage, and in some parts of the country was called by the Americans the "café de los Mexicanos." Sometimes potatoes, corn, eggs, meat, and a little fruit lent variety to the meal.

After eating and talking a while they went about their

business again. The family might take a siesta, after which the father would work in his garden plot while his wife would finish her housework. She might also go to visit a neighbor, and, incidentally, hear the news. Her shoulders had a weary stoop from much work, but her daughter, still dreaming of the dance the night before, was vitally young and glowing.

After the evening meal one or two of the family wandered off to visit with friends. A guitar was faintly playing somewhere, and children were laughing in the square. But the old couple sat out in front of their adobe hut, and there enjoyed a quiet, cool meditation under the stars before retiring for the night.[20]

While the life of the average settler at first was very simple, it later became more complicated as wealthier people came to this country.

There were several prominent families who came here in the early days. Besides the original grantees of the second Las Vegas grant—Juan de Diós Maese, Miguél Archuleta, Manuél Durán, José Antonio Casaus, and twenty-five others not named—there was a steady stream of colonists. Some of these, who settled in Las Vegas, Mora, or the surrounding vicinity, acquired much land, and some became quite noted. Cerán St. Vrain was one of the most widely known of these early settlers. He helped to build Bent's Fort in 1828, and later he built St. Vrain's Fort on the fork of the South Platte River which still bears his name. He was a great trader, and one of the most important freighters on the Santa Fe Trail. He owned some land around the Las Vegas plaza when Kearny passed through, and established a large hacienda in the Mora valley when he married Louisa Branch of Mora.

Some other settlers were John Scolly, Captain William S. French, Henry Connelly (later governor of the Territory), Samuel B. Watrous, William B. Tipton, William B.

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20. Data concerning the poor family in New Mexico found in Gregg's *Commerce of the Prairies*, and in stories told by old colonists.

Stapp, John B. Dawson, Lucien B. Maxwell, Killiam Kroenig, Milnor Rudolph, Herman von Grolman, Andreas Detlef Laumbach, Frank Metzger, Antonio A. Sanchez, Cresencio Gallegos, Vicente Romero (who founded La Cueva), and his brothers Eugenio, Dolores, and Casimiro Romero, Korte, Goke, Ebel, Bonney, Blattman, DesMarias, Branch, the Bacas, Maes's, Abreus, Valdez's, Quintanas, and the Oteros.[21]

Many of these settlers owned much property, in the form of land and cattle, in the country around Mora, La Cueva, Buena Vista, Sapelló, Rociada, Watrous, and Las Vegas. There are many descendents of these brave pioneers who can appreciate the modern security and progress which were founded by their forefathers.

Though there were few rich homes in Las Vegas before 1850, we get a vivid picture of them from reminisences of old families. Some of these families, such as the Baca and the Manzanares, have preserved many heirlooms and traditions of an ancient day.[22] Both homes have furniture, mirrors, and silverware that came from Europe or from the East by wagon train.

From evidence gathered, it seems that among some of the first settlers of Las Vegas were Don Luís María Baca and his son Don Juan María Baca.[23] Later five brothers, and nephews of Don Juan María Baca, came to Las Vegas —Don Romuldo Baca, Don José Albino Baca, Don Aneceto

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21. Most of the data on early settlers are taken from *Historic Las Vegas* by W. J. Lucas.

The Baca family still has in possession wonderful rebozos, serapes, and mantillas worn in Spain about 125 years ago. There are also some stirrups, massive and carved, which were handed down from generation to generation for over 300 years, and are now in the possession of Miss Aurelia Baca and Mrs. María de Romero.

23. Several of the Bacas have been distinguished. Don Juan María Baca's sons were noted—Benito Baca was a great politician and ran for delegate to Washington at one time, but was defeated. (Later Mr. Manzanares was elected delegate from New Mexico to the forty-eighth Congress.) Eleuterio Baca, brother to Benito Baca, translated "Oh Fair New Mexico" into Spanish. More recently Filadelfo Baca was four years in Mexico City as secretary of the United States legation, and afterwards became president of the El Rito Normal. His brother, José A. Baca, was a lieutenant-governor. Today Miss Aurelia Baca and Mrs. María Baca de Romero are some of the last survivors among the older generation of an aristocratic family.

Baca, Don Simón Baca, and Don Pablo Baca. They did not come at the same time, and perhaps Don Romuldo Baca was the only one here before 1850. They were wealthy, and owned nearly all the land in what is now East Las Vegas, as well as some in West Las Vegas. All but Don Pablo built beautiful homes in Upper Town, and he lived for a while with Don José Albino Baca. Some of these houses are still standing, though most are in ruins.

Don José Albino Baca, who came a little later than 1850, owned 60,000 sheep and more than 3,000 head of cattle. He was principally a stock raiser, though he also had some farmland. He, as well as the others, had many peons or servants working for him, both Indian and Spanish, and when he built his large house in about 1855, for the bride he had married in 1851, it took a large force of men and much time and money.

The house is still standing in Upper Town—a relic of the past. It can be reached by taking the Eighth Street Road and then turning off through a lane between two orchards. The old house, standing on a slight hill, with a beautiful command of view, and alive today with murmuring barn swallows, gives one a start of wonder and surprise. It is still beautiful, and its large patio, encircling porches and balconies, rich door paneling, and courtyard give an impression of mystery and grandeur. It is slowly going to ruins now, but there is still a hint of the gay life once lived within its rambling walls.

It was famous for being the first house in New Mexico with a second floor, as well as being one of the most beautiful residences, and many people traveled to see it. It was a little palace in the old days, and much money was spent in decorating it. The woodwork and furniture, including a piano,[24] were brought from the East, and the ceilings and woodwork in the upstairs rooms were hand-painted by a French artist. The house was built about a patio, in which blue grass and climbing roses grew, with a large English

24. This piano is now in the New Mexico Normal University museum.

walnut tree in the center. Overlooking the patio were balconies and porches, and to one side was an enclosed garden. There was also a beautiful orchard, and there were well-kept lawns and vines. Today much of this has been destroyed, yet it still serves as a monument to the colorful history of early Las Vegas.

A picture of the gay life may be had, perhaps, by sketching some of the events which took place in one of the large, wealthy homes.[25] After rising and eating breakfast in the morning, the day was spent in a variety of ways. On Sundays the family could attend church in their own home perhaps, for some of the richer dwellings included a private chapel. These chapels, however, were not barred to the peons and poorer class.

The children were usually taught by private tutors during part of the day, for in that early period there wasn't a public educational system. Only the rich could afford to have their children educated, and this was done by having tutors in the home, or by sending the students away, when old enough, to the East, to Mexico, or even to Europe. Because they had the advantage of higher education, many of the older families were very cultured, with the ability to speak several languages. The disadvantage in going so far away to study was the necessity of staying away from home for long periods. The Indian problem, and the slow traveling, made frequent home-comings difficult.

Traveling, however, was not as uncomfortable as one might imagine, even if there were no oiled roads and limousines. The wagons and carts used by the peons may have been tiresome, but the stage coaches and the carriages of the wealthy were quite luxurious. The body of the coach was built high to avoid ridges, and to make it possible to cross small streams without getting the floor wet. There were automatic steps with which to enter, as well as other automatic contrivances. The seats were well upholstered, and so constructed as to make a comfortable bed at night-

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25. The material on the rich homes was given chiefly by Mrs. F. A. Manzanares.

time. There were pockets for toilet articles and mirrors, while the heavy luggage was placed on top of the coach. Sometimes there were secret hiding places for money, which might be found in a sliding flat drawer under the driver's seat.

The family sometimes took a morning ride in a carriage like the one described, and sometimes went visiting in it. During the day the children could amuse themselves by playing in the patio and gardens, while their mother tended to her duties of managing the household. Perhaps she would supervise a new dress her private seamstress was making, for she tried to keep in touch with the styles in the East. She would also have to inspect her linen closets and see if there was anything needed when the next trip went to the States. There were always large rooms filled with cloth and various articles, and storehouses filled with food and provisions. When her husband would send a caravan East, in charge of his servants, he would sometimes send 70 or 90 wagons, and the supplies brought back would last many months.

At noontime the Don would probably arrive from inspecting his ranch and attending to business affairs. Their meal would consist of home products, such as fruits, vegetables, meat, and wine, and some things brought from the East, such as coffee, sugar, and canned goods. They ate from silver dishes—plates, cups, and saucers—for the rich families almost entirely used utensils made of pure, hammered silver. Glass and china were uncommon because they were harder to pack long distances, and some of the silverware was brought from as far away as Spain.[26]

The afternoon may have been spent in taking a siesta, reading books—newspapers were not published here yet—and finishing the regular day's schedule. In the evening there was often some social gathering, formal and cultured. Sometimes evenings were spent in playing music, such as the harp, guitar, and violin. Dances were given also in the

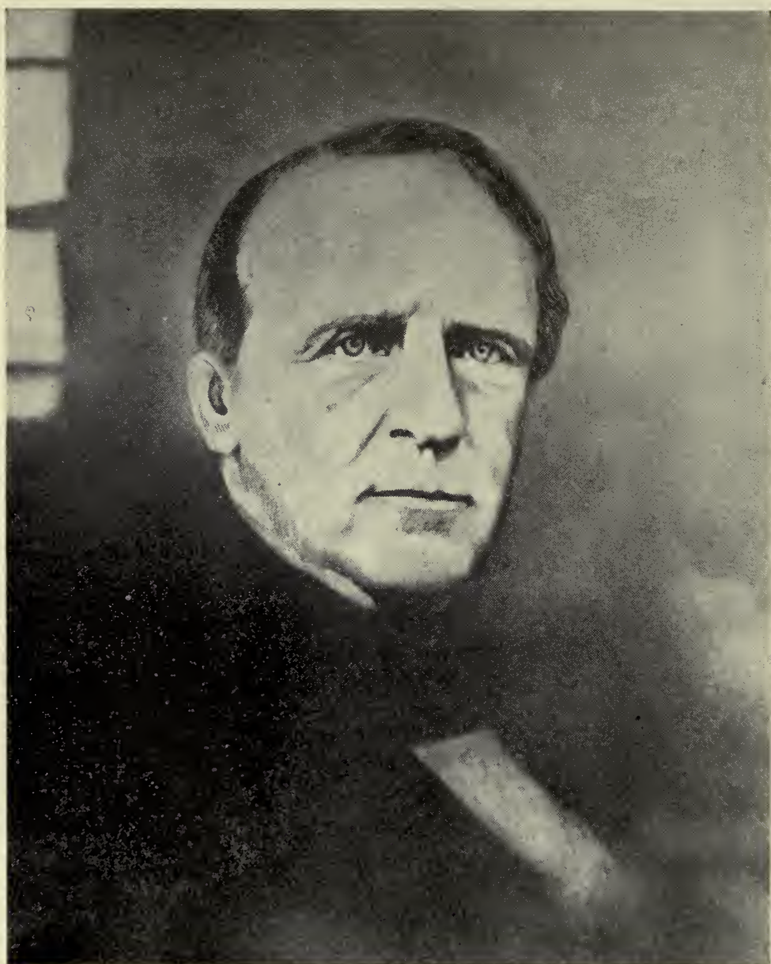
26. Mrs. Manzanares has silver plates and dishes which bear the Spanish stamp.

home for the family and close friends. The social center was decidedly the home, as most of the public amusements we have today were unknown then.

## Conclusion

All of this served to make up a glamorous period in the history of our Southwest. No other part of the United States was quite as fascinating, I think, as this Spanish colonial section. It was a colorful life of extremes—richness and poverty, power and servitude—but throughout all was the spirit of romance and adventure.

This period before 1850 may seem to be very far away and removed to most readers, and yet Las Vegas, in some respects, has not changed. It is larger today, and there is present the new element of the pushing, energetic American culture, but it can never destroy the other and older culture in the Southwest—that of the Spaniard. In some parts of Las Vegas life is being lived today in practically the same way it was lived before 1850. Ride sometime through the winding streets of West Las Vegas or Upper Town, and there, in the atmosphere of the quaint adobe homes, you may read the story of an ancient, though undying, civilization.



Governor Henry Connelly
(1861-66)

# WHEN LAS VEGAS WAS THE CAPITAL OF NEW MEXICO

*By* F. S. DONNELL

IN all the many histories of New Mexico since it became a part of the United States, Santa Fé is given as the only capital and the fact that, for a short period during the Civil War, Las Vegas had this honor seems to have been overlooked.

In 1861 the Confederate forces captured the southern part of New Mexico and held the country as far north as Fort Craig, on the Rio Grande, near the town of San Marcial. They felt so sure of their ability to hold this area that they organized the southern part of New Mexico and Arizona as the Territory of Arizona, and as such it was admitted to the Confederacy by Act of the Confederate Congress, passed January 18th, 1862.

In February, 1862, General H. H. Sibley, in command of the Confederate forces with headquarters at Fort Bliss, El Paso, planned a campaign to capture the northern part of the Territory and secure the large amount of supplies and ammunition which were held in Albuquerque, Santa Fé, and Fort Union.

Fort Craig was held by a strong force of Union troops under command of Colonel Canby, and when Sibley reached there on his march to the north he decided that the fort was so well guarded that he had no chance to capture it and, making a detour, he continued his northern march. On February 21st he reached Valverde and found that a strong force from Fort Craig had arrived there to head him off. In the battle which followed both sides suffered heavy losses. After the battle General Sibley found that he had only five days' rations and a limited amount of ammunition left and his only chance was to make a rapid march to Albuquerque and try to capture this place before the Union troops could be collected to oppose him.

On March 2nd Captain Herbert M. Enos, assistant quartermaster at Albuquerque, hearing that the advance of the Confederate troops had reached Belen, loaded part of his supplies in wagons and started them for Santa Fé, setting fire to the storehouses to destroy the balance of his supplies so as to keep them from falling into the hands of the enemy. The people of the town, however, put out the fires and a large part of the supplies were saved and taken by General Sibley when he reached this point.

Having secured all the available stores in and about Albuquerque and sending Major Charles L. Pyron with his command to Santa Fé to capture such as might be found there, General Sibley determined to strike at Fort Union. If he were successful in capturing this place, he would be in full control of all New Mexico.

On March 4th Major J. L. Donaldson, in command of the Union army at Santa Fé, loaded 120 wagons with supplies, valued at over $250,000, and started for Fort Union which he succeeded in reaching with all his troops and the supplies.

With no troops left to protect the capital, Governor Henry Connelly decided that it was useless to remain there, so he with his office force joined in the retreat to Fort Union. On March 11th, writing from Fort Union to W. H. Seward, secretary of state at Washington, explaining his move he says:

> On the 4th instant, Major Donaldson, then commander of the District of Santa Fé, determined to leave that city with the small force he had under his command, say 200 men, and fall back upon this place. It was then said that the advanced guard (500 strong) of the enemy had entered Albuquerque and would proceed immediately to the capital. His departure became the more necessary in order to escort and defend a large amount of Government property then on the way from Albuquerque and Santa Fé to this place.
>
> The capital having been abandoned by the United States forces, I came in company with them, and I have for the present established the Executive Department at Las Vegas, 30 miles west of this post.

Colonel Slough, from Denver City, arrived here last night, with 950 men, who from all accounts can be relied upon. These, with 300 or 400 that are already here, will give Colonel Canby a force of 2,000 regular troops; that is American troops. The militia have all dispersed, and have gone to prepare their lands for the coming harvest, and this is by far the best use that could be made of them.

Should the forces at this place unite with Colonel Canby, the enemy will be driven from the Territory. Should Colonel Canby be attacked by the enemy and suffer a defeat, we will then be in a very precarious condition until reinforcements arrive. The whole force from this place, say 1,300 men, will leave in a few days to meet Colonel Canby should he be on this side or south of Santa Fé.

I hope my next mail to give you the information that the enemy are either vanquished in battle or are in retreat from the Territory.

Colonel Canby for some reason delayed his move from the safety of Fort Craig and after waiting ten days for some word from him as to his plans Colonel Slough decided that the best way to stop the Confederates was to go out and meet them before they could gather all their strength, capture Las Vegas and then with their full force attack Fort Union, and the next letter from Governor Connelly to Secretary Seward, written from the Executive Department at Las Vegas on March 23rd, reports as follows:

Since my last from Fort Union, dated 11th instant, there has occurred nothing indicating a speedy encounter with the enemy until this time. Today the whole force from Denver City, together with the Territorial forces, numbering 1,400 men in all, will leave this place in the direction of the enemy, but I am informed will go but a short distance until they receive further communications and orders from Colonel Canby, who still remains at Fort Craig. These orders are daily expected, and with them a simultaneous movement of the two forces, so as to reach the position of the enemy on the same day.

There has been some little discord in relation to the movement now made from Union, in consequence of the want of orders from Colonel Canby. Major Paul, in command at Union, was of the opinion that the orders of Colonel Canby were essential to an effective forward movement

from Union; whereas Colonel Slough, in command of the forces from Colorado, was of opinion that an advance of a day or more march in advance could lead to no evil, and would curtail the limits of the enemy, and mayhap lead to the expulsion of the enemy from the capital, now occupied by about 100 men, with two pieces of artillery. I think this slight difference of opinion and movement will lead to no unfavorable result, as Colonel Slough will advance upon the road that the enemy will necessarily have to march to reach Union, should an attempt be made upon that place which seems to be the fear entertained by Colonel Paul.

The enemy in force are now occupying a pass in the mountains east of Albuquerque, some 15 miles, called Carnavel, with a view, doubtless, to prevent the junction of the commands from Union and Craig, near which the commands will have to pass in order to form a junction.

I am sorry to say that the Texans have not behaved with the moderation that was expected, and that desolation has marked their progress on the Rio Grande from Craig to Bernalillo, exactions and confiscations are of daily occurrence, and the larger portion of those who have anything to give or to lose are here on this frontier, seeking a refuge from their rapacity, and have left their houses and contents a prey to the invaders.

My own house, 90 miles from Santa Fé was despoiled of its contents, including a valuable stock of goods, together with everything in the way of subsistence. On yesterday there arrived at this place some 20 of our most prosperous and respectable citizens from the neighborhood of Albuquerque and Bernalillo, who had fled from the exactions of Sibley; among the number a gentleman of eighty years of age, Don Pedro Jose Perea, and his three sons, upon whom a demand had been made for a large sum of money, which they had not in their houses, having advanced all their available means to the disbursing officers of the Government but a short time before. The threat of personal violence in case of refusal so alarmed them, that they left their houses and entire contents at the mercy of the enemy.

In Governor Connelly's next letter to Seward, also written from the Executive Department, Las Vegas, on March 30th, he gives the first news from the battle at Glorieta which halted the advance of the Confederates, saved Las

Vegas from capture and ended the efforts of the Texans to control northern New Mexico. In this letter he writes

In my communication of the 23rd instant I informed you that Colonel Slough, with the troops from Colorado Territory, together with the small regular force at Union, had advanced through this place in the direction of the enemy. On the 26th the advance guard of our forces, making a reconnaissance and without anticipating any encounter with the enemy, came in contact with his advance guard of 600 men, neither it would seem, being aware of the presence or near approach of the other.

This took place at the Cañon del Apache, the east end thereof, on the road to and about 20 miles from Santa Fé. An action ensued, in which the enemy were entirely routed, with a loss of 25 or 30 killed and wounded and 62 prisoners. A flag of truce was sent in at night by the enemy asking a suspension of hostilities for the purpose of burying their dead and taking care of the wounded. The 27th was occupied in these acts of humanity. The main body of their forces being at the cañon, only about 7 miles distant, they advanced on the 28th in full force to the attack of ours, which had all been called to the scene of action.

The engagement commenced at about noon and lasted until sunset, without any decisive result. The cause of this indecision as to result was that early in the day Major Chivington, with 500 men, had been ordered to make a detour in the heights (mesa) and observe the operation of any forces that might approach in that direction. His position on the table land, and parallel to the whole length of the cañon, gave him a full view, part of the way, of everything that was in it, and to his joy and surprise when he reached the lower end of the cañon he found the enemy's whole train parked, together with the mules and horses necessary for its transportation, guarded by 200 men. The nature of the country enabled him to approach very near without the observance of the guard. He made a sudden and unexpected attack upon them, and captured the whole train of 80 wagons, with all the stock except the few upon which some of the guards made their escape. He also captured 40 prisoners, and after burning the train, with all its contents of provisions and ammunition, he returned to the command late at night by way of the same table land over which he had advanced. Our loss in killed, wounded, and missing in

the two days encounter will reach 150; that of the enemy fully double that number.

There were some reports that General Sibley was moving by another road upon Fort Union with the balance of his forces. It was thought best to fall back to a point at which he must necessarily pass in order to reach that place. This was done, and our forces will tomorrow take a position at Bernal Springs for the purpose indicated.

While this battle was a victory for the Union forces, they did not take advantage of it and allowed the Confederates to fall back to Santa Fé without further fighting, very much to the disgust of Governor Connelly as shown by his next letter in which he says:

In my communication of the 30th ultimo I informed you that our forces had fallen back to Bernal Springs, 20 miles from the place of our late encounter with the enemy. On the day of their arrival at that place the adjutant-general of Colonel Canby, Lieutenant Nicodemus, arrived in camp, bringing news and orders from Colonel Canby. The first was that he had not on the 25th of March left Fort Craig, and there orders were for the whole force to fall back on Union. These orders were obeyed, and on the 31st ultimo the troops passed this place en route to Fort Union.

Since the late encounter with the enemy we have had occasion to learn much more of the particulars and consequences of that engagement than I could write you in my last. As I had anticipated, they fled in confusion from the field and returned to Santa Fé, not having on an average 10 rounds of ammunition to the man, the whole of the ammunition having been destroyed in the train that was burned by Major Chivington on the day of the battle. So it turned out that had our troops advanced the day after the battle it would have led to the entire capture or dispersion of the enemy's force in the neighborhood of Santa Fé.

This opportunity has been lost, and we have again to try the fortunes of another battle. Upon hearing of the defeat of the troops under the command of Colonel Scurry and their retreat to Santa Fé, General Sibley sent a re-inforcement of 500 men from Albuquerque which reached Santa Fé two days since, together with as much ammunition and provisions as could be spared from that quarter.

On April 9th word was received that the Confederates had evacuated Santa Fé and were in full retreat toward Albuquerque and on the 12th, Colonel Paul, commanding the Fourth Regiment New Mexico Volunteers, wrote to Governor Connelly from Santa Fé, saying:

> It affords me great pleasure to inform you that Santa Fé is now in our possession, and that your Excellency will hazard nothing by returning to the seat of government and resuming the duties of your office. Your Excellency will be glad to know that the Union troops on entering Santa Fé were received with public demonstrations of joy.

After the battle was over and New Mexico saved to the Union by the work of the Colorado Volunteers under Colonel Slough, Colonel Canby finally appeared with his forces from Fort Craig and in Governor Connelly's last letter to Seward written from the Executive Department, Las Vegas, on April 13th, he says:

> I have the honor to inform the Department that on the 11th instant Colonel Canby formed a junction with the command under Colonel Paul at Gallisteo, 15 miles south of Santa Fé, and proceeded by forced marches on to Albuquerque, at which place the enemy with their entire force had concentrated. Colonel Canby made a detour by way of the Canon Carnavel, and came on the east side of the mountans to the junction at Gallisteo. Today he will arrive at Albuquerque, and doubtless decide the question of the occupancy of this Territory by the Texans. It is thought the Texans are in hasty retreat, and have full three days march the advantage. Should that be the case it will not be easy to overtake them. Colonel Kit Carson, with his entire regiment, and some auxiliary forces, is still at Craig, and may offer some embarrassment to the safe retreat of the enemy. The cavalry and means of transportation on both sides are completely broken down, and neither a retreat nor pursuit can be effected with any degree of rapidity. I leave tomorrow for Santa Fé.

Governor Connelly's next letter to Seward was written on April 20th from the Executive Department, Santa Fé, and thus ended the short period in which Las Vegas was the capital of New Mexico.

In 1861 General Sibley was very enthusiastic over the value of New Mexico to the Confederate States, but after the defeat at Apache Cañon and the loss of all he had gained by his march up the valley he evidently changed his mind, for in a full report of the campaign made on May 4th, 1862, to General Cooper at Richmond he says:

It has been almost impossible to procure specie upon any terms. The ricos or wealthy citizens of New Mexico had been completely drained by the Federal powers, and adhering to them, had become absolute followers of their army for dear life and their invested dollars. Politically they have no distinct sentiment or opinion on the vital questions at issue. Power and interest alone control the expression of their sympathies. Two noble exceptions to this rule were found in the brothers Rafael and Manuel Armijo, the wealthiest and most respectable native merchants of New Mexico. On our arrival at Albuquerque they came forward boldly and protested their sympathy with the cause, placing their stores, containing goods amounting to $200,000 at the disposal of my troops. When the necessity for evacuating the country became inevitable these two gentlemen abandoned luxurious homes and well filled storehouses to join their fate to the Southern Confederacy.

I express the conviction, determined by some experience, that, except for its political geographic position, the Territory of New Mexico is not worth a quarter of the blood and treasure expended in its conquest. As a result of the campaign, from being the worst armed my forces are now the best armed in the country. We reached this point (El Paso) last winter in rags and blanketless. The army is now well clad. The entire campaign has been prosecuted without a dollar from the quartermaster's department. But I cannot speak encouragingly for the future, my troops having manifested a dogged, irreconcilable detestation of the country and the people.[1]

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1. The letters quoted may be found in Vol. IX of the *Official Records of the Civil War*, published by the United States Government.

# "BIENES CASTRENSES"

*(Dictamen* of Pedro Galindo Navarro of Dec. 7, 1795 and Ley 5 of the *Nueva Recopilación* Lib V, Tit. 9, A. D. 1567— Ley 5 *Novísima Recopilación* Lib. X, Tit. 4, A. D. 1805)

*By* DR. VSEVOLOD BASANOFF

THE 5th Law in Book V, Title 9, of the *Nueva Recopilación* of 1567, reproducing an order of King Henri IV of Castilla in 1473, sets out definitely a rule which reads as follows:

> . . . . mando y ordeno, que todos y qualesquier bienes castrenses, y oficios del rey y donadios de los que fueran ganados . . . durante el matrimonio . . . que sean y finquen de aquel que los hubo ganado, sin que el otro haya parte dellos, seguen lo quieran las dichas leyes del Fuero.

In other words "bienes castrenses", as well as property acquired by offices held from the king and gifts to husband or wife, are under a special regime. All other kinds of acquisitions made by one of the spouses during marriage fall into the mass of common property; meanwhile the above mentioned kinds of property remain the exclusive property of the spouse who obtained it. So the property obtained by members of the army resulting from their military activities should remain the exclusive property of the husband to a half of which a surviving wife, the widow, has no claim as a partner, notwithstanding the fact that such property had been acquired during the marriage.

Nevertheless the passage of our dictamen in the year 1795 [1] concerning a distribution of the property of deceased members of the army says: "*que el fondo de cien pesos que si les retiene en caja, sus alcances, y los cortos bienes, que poséen a el tiempo de su fallecimiento, y que la mitad de toda corresponde à sus viudas por razon de gananciales* etc.; that is to say, a half of said property is to be transferred to widows, although the elements of property it mentions

1. *Dictamen* of Pedro Galindo Navarro, Auditor de Guerra, of Dec. 7, 1795. See my paper in *New Mexico Historical Review*, July, 1933, vol. VIII, pp. 183-200.

are all acquired by military activities of the deceased. The question arises why the *auditor de guerra* considers as community property the property of members of the army acquired by and during their military service. Does it mean that the old rule of 1473-1567 was no longer in use at the date of the *dictamen* in 1795? It does not, because ten years later it was reproduced exactly in the ley 5 *Novísima Recopilación* Lib. X, Tit. 4, A. D. 1805.

The *dictamen* presents, then, a legal interpretation which is within and not outside of the system given by the quoted law of the *Nueva Recopilación*.[2] A historical method is necessary in order to realize the nature of what seems *prima facie* to be opposite statements of the *dictamen* and of the "Recopilaciones", and consequently the nature of the rule of "bienes castrenses".

We shall study: I. The origin of *bienes castrenses* and of the rule excluding them from the rest of *gananciales,* i. e. acquisitions made during marriage. II. The development of the function of this rule during the fourteenth and fifteenth centuries. III. The transformation of the nature of *bienes castrenses* as well as the function of the rule with changed political, social, and economic conditions under the Catholic kings and in the sixteenth century, and the decay of the function of the rule in later times.[3] Its disappearance since the reception of the community property in the United States, in spite of the fact that the social and economic conditions there presented offer striking analogies with those of the development of the rule.

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The term "bienes castrenses" and the idea of property obtained during military campaigns as a particular kind of property, appears in Spain under the enlightened rule of King Alphonso X el Sabio. It is of Roman origin. It is

2. Thus our *dictamen* constitutes a precious evidence for the history of *bienes castrenses* in the Spanish jurisprudence.

3. I shall reproduce the text of the dictamen *suo loco,* when studying the XVIIIth century. The first folios of the *Dictamen* have been reproduced and analysed in my paper quoted above.

imported from abroad and is not a revival of Roman law of early Visigothic age. The evidence thereto is that we find it in *Partida tercera,* tit. II, ley 2. And *Las Siete Partidas* is a Spanish legislative monument connected with a first renaissance of Roman Law in Bologna, a widespread radiation of which during the twelfth and thirteenth centuries may be observed throughout Europe. Arms of noble students from all the countries of the old continent still adorn the walls of some Italian universities. Among them there are more than one from Spain. Whether it was the *Somma* of Azo or a glossary of Accursius that came to Madrid, we do not know exactly. However it may be, *Las Siete Partidas* is a splendid monument of the Spanish language,[4] but the constant quotations of wise men of antiquity, *los antiguos,* as well as many almost literal expositions of titles of the Corpus Juris, leave no doubt as to their origin. It is not the Visigothic epitome of the Codex Theodosianus with Paul's sentences, Gaius, etc., but most certainly the Roman Law of Justinian with his "novellae", which is at the basis of Alphonso el Sabio's code.[5]

The fundamental text concerning the matter is Ley 2, Tit. II, Part. III, the *incipit* of which deals with the possibility for a man to claim in justice a property against father, grandfather, or other person under whose *patria potestas* this man is. The only exception to this rule constitutes property acquired by a "filius" during and by his military activities or by civil service, as was the case of the Roman "peculium castrense" during the classical period, extended (after reforms of Diocletianus and division of military and civil powers to property acquired by civil functionaries) under the name of "peculium quasi castrense". The only innovation by the enlightened Spanish ruler was that of property acquired by such activities as those of teachers.

4. Cf. *Las Siete Partidas,* prologo of the Real Academia de Historia, pp. xliv-xlv, in the edition of Mardid 1847.

5. The code contains as well customary law, and a great deal of canon law, but the number of rules of Roman law still prevails.

Tercera Partida. Titulo II. Ley II.

. . . . Pero razones hi ha por que tambien contra el abuelo como contra el padre natural en cuyo poderio estodiese, et aun contra aquel que lo hobiese porfijado podrie el que estodiese en su poder mover demanda en juicio sobre cosas que fuesen suyas quitamiente, asi como de aquellas ganancias que los caballeros facen de las soldadas que les dan sus señores por el servicio que dellos resciben, ó de lo que ganan en guerra por razon de su trabajo. Et esto ficieron los antiguos por honra de la caballeria, et porque los homes hobiesen solor de la mantener et de non olvidar fecho de armas, entendiendo que sin el precio et la honra que ende han, que les vienen dellas pro et bien. Eso mesmo posieron de lo que los maestros ganan en las escuelas por los saberes que maestran á los homes que les facen seer mas entendidos de que viene grant pro a la tierra: otro tal pussieron de las ganancias que facen los jueces et los escribanos en razon de las soldadas que ganan en las cortes de los señores, ó en las cibdades ó en las villas. El bien assi como otorgaron esto a las ganancias que facen los caballeros por honra de la caballeria et porque guerran contra los enemigos, otrosi tovieron por derecho que lo hobiesen estos oficiales sobredichos, porque son como guerreros et contralladores a los que embargan la justicia, que es otra manera de muy grant guerra que usan los homes en todo tiempo.

If the idea of *bienes castrenses* was suggested by Roman Law, this institution, however, assumed in Spain an original aspect thanks to a wide interpretation by the legislator, who took into consideration the needs of his own country, and because of the different social and economic conditions then prevailing in Spain.

King Alphonso did not reproduce literally the texts concerning the two Roman "peculii". The above quoted text bears a strong imprint of the social philosophy of the legislator, so that quotations of "antiguos" are made rather to give a stronger argument to his own ideas. The Roman text serving as a starting-point is often scarcely perceivable under the abundant details and expressions relating to characteristics of the Spanish social life to which the ruler turns his mind. Such an expression as *pro honra de cabal-*

*leria* reminds us to a great extent that we are in León and Castilla, and a sentence like "que los maestros ganan en las escuelas por los saberes que maestran á los homes que les facen seer mas entendidos" reveals a policy of favouring *lettrados*—a feature of king's personality, rather than a juridical construction of the Romans, which served as a point for Alphonso's creation. The term itself of *bienes castrenses* is absent in the text.

The only thing manifesting a somewhat artificial fidelity to the rule of "antiguos" is the fact that these two kinds of property are dealt with in connection with *patria potestas,* whereas *patria potestas* in the Roman domestic relations was far different from paternal power in Spain. As a matter of fact the paternal power in Spain continued not until the death of the father but until the formation of a new family by a son.[6] So that a legal necessity and reason of the "peculium castrense" was not felt at all with the same acuteness as it had in the Roman Empire.

Nevertheless there were strong factors in the Spanish society of that time favorable to the development of a particular regime of the property acquired by military activities. Let us examine the text which will show what elements it contains and what are the factors responsible for the Spanish rule. This Spanish rule is connected directly with property relations between husband and wife, and it appears as such for the first time some years earlier than the text on "peculium castrense" in *Las Siete Partidas,* namely as Ley 2, Tit. II, Lib. III of *Fuero Real* under the

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6. Cf. the disposition of *Leyes de Toro,* which reproduces this old Spanish rule contrary to the Roman principle of *Partidas.*

Eduardo de Hinojosa. *El Elemento germánico en el Derecho Español.* (Madrid 1915), p. 20, Fuero de Teruel (Aragón) of 1176, art. 316 "Filli sint in potestate parentum, donec ordinentur qui fuerint clerici et alii contrahunt matrimonium . . . et usque ad dictum tempus quicquid filii acquisierint . . . sit parentum suorum." The reason of acquisitions made by a son going to his father is the *consortium* mentioned as well in the quoted law of *Partida: "por que vive con el de so uno."* When *consortium* (living together) ends by a son becoming a minister of religion, or by his marrying, the paternal power ceases. The same may be said as to the responsibility of the father for offenses committed by the son, Art. 317 of the same Fuero de Teruel.

same legislator, Alphonso el Sabio. The text is as follows:

. . . . Si el marido alguna cosa ganare de herencia de Padre o de otro ppinquo o donaciō de señor o de Pariēte o de amigo o en hueste en q̄ vay por su soldada de rey o de otro: aya lo todo quanto ganare por suyo: y si fuere en hueste sin soldada: a costa de si y de su muger: q̄nto ganare desta guisa se del marido y de la muger. Ca assi como la costa es comunal assi lo q̄ ganarē sea comunal de amos . . . [7]

Among the property acquired during marriage, that acquired by inheritance and gift does not become community property but remains separate property of those who have so acquired it. Such is the rule maintained in the states of community property till nowadays from 1255, the date of our text. But there is another provision in the text which does interest us particularly. I mean the property acquired by a man when in the army. There is, however, a distinction as regards the conditions under which such property is acquired. Not always do things got in the army become individual property of the husband; but only in case he is in the army under pay of the king (or another, i. e. his feudal lord). If, on the contrary, he is in the army without pay, at his own and his wife's expense, things got this way become common property.

The juridical reason of the rule in its later acceptation [8] is quite clear. A common element of inheritance, gift, and acquisitions by members of the army when paid for a military service, is that each one of these sources is independent of any economic behaviour of husband and wife, and when there is such a dependence in the case of an engagement in the army at the expense of both, the community naturally will absorb these *gananciales*.

The text permits, however, the finding not only of this juridical reason which is given explicitly but of a social reason for the rule, at the time of its origin as well. Let us insist on the distinction between military acts, *por su soldada* and *sin soldada* at the community expense.

7. Ed. Burgos. J. de Tunda 1533.

8. And that is why it might pass intact to the *Nueva* and later on to the *Novisima Recopilación*.

The term *soldada* and its origin need to be elucidated. It should be remembered first of all that at the time we are writing about, there was no army, in our sense of the word. There were men ready for the war, ready at any moment to come armed, when convoked by the king. These *feudos y retrofeldos* (barons and their vassals, *ban et arrière ban)* were nobles, dependent on the king and followed by their vassals dependent in their turn on them. So war was a business of the nobility, and in early times, when the Spanish Christian state was reduced to a small territory in the north of the peninsula, it was a very difficult one. As early as the eleventh century, there begin measures of exemptions from taxes and other privileges granted to the military of Castilla for encouraging them in their activities, the measures attributed by early historians to Don Sancho, Count of Castilla.[9] Among these privileges is mentioned a pay to be made three days after soldiers leave their homes.[10] These "stipendia", according to the expression of Don Rodrigo, cannot be construed at all as a remuneration, on account of which noblemen take their sword. They were just to meet the cost of living during war time and compensations for service, otherwise painful and difficult. Only later on, at the development of the wars of reconquest, with large amounts of booty got during military campaigns, the property acquired through military activity assumes a new and a more complicated economic, and consequently juri-

9. E.g., Archbishop Don Rodrigo, *De Rebus Hispaniae,* Libr. V, cap. 3: "Castellanis militibus, qui et tributa solvere et militare cum Principe tenebantur contulit liberates: videlicet ut necr tributum aliquod teneantur, nec sine stipendiis militare cogantur" and other historians quoted by Aso and Manuel in the prólogo to *Fuero Viejo de Castilla,* they discovered and published in 1771, pp. II sq. As to the generalization and authenticity of Fuero Viejo l. c., IX conclusive criticisms thereof are made already by Martinez Marina Ensayo Historico-Critíco sobre la legislacion y principales cuerpos legales de los reinos de León y Castilla, Madrid 1834 T. I,p. 154 sqq; cf. P. Berganza, Antigüedades Lib IV, cap. XVI n. 127, quoted 1. c. The attribution of measures to Don Sancho is contested by Martinez Marina 1. c. 157 who connects the measures regarding privileges of *milicia y nobleza* with Don Sancho el Mayor, King of Navarra and Count of Castilla as well. However it may be, the fact of privileges and exemptions as dated of the eleventh century does not provoke doubts.

10. P. Berganza 1. c. n. 127 "se obligó á pagar sueldo á los soldados despues de tres dias que hubiesen salido de sus casas . . ."

dical, aspect. However it may be we have no evidence, before the *Fuero Real* that this pay to the nobles for a military service would not be considered as any other kind of *gananciales*. But among customs connected with the privileges granted by Don Sancho el Mayor and written in the famous *fuero de Nájera*, authorized as well in Castilla, and which extended into the numerous *fueros municipales*,[11] there is one which seems to me especially important as a germ of future development and nature of our provision in the thirteenth century. Namely *"el que tuviese caballo y loriga; y otras armas habidas por donacion del rey, que los mudiesen heredar sus hijos y consaguíneos."* So horse and arms, i. e. the military equipment of a *caballero* received by him from the king, becomes family property, inheritable by children and relatives of the same blood. No wonder that in time things acquired when using this implement are considered exactly the same way, that is to say essentially as a *nucleus* of noble family property.

The expression itself *"por su soldada del rey o de otro"* is very significant indeed. It contains elements of vassal relationship, and this relationship between the vassal and his lord is eminently that of nobility. So *soldada* of our text is narrowly connected with provisions we find mentioned in another part of the same *Fuero Real*, reproducing now customary rules, namely Lib. II, Tit. XIII: *De los vassallos, y de los que les dan los señores.* The *ley quarta ("como todo lo que rescibiere el cauallero al tiempo de las armas es suyo proprio")* is conclusive as to the above construction of the rule: *"Toda cosa que rescibiere el cauallero del señor por donadio, quier en lorigas, quier ē otras armas quier en cauallos, aya lo todo por suyo e quanto con el gano. . . ."*

Thus as far as this property is acquired through military activities, it is understood to be individual property of an *hidalgo*, *suyo proprio* of the text,—property not mixed

11. Martinez Marina, l. c. 157-158. Unhappily, my bibliography of Spanish literature is necessarily limited by what is available here. It is far from being complete as regards recent publications. This could not affect conclusions concerning our topic.

with, being different from the *gananciales* of the rest of the population, which constitute (conforming to a wide-spread customary law of *fueros,* reproduced also by the Ley 2, Tit. III, Lib. III of the *Fuero Real)* the community property.

Thus at the beginning the rule of "bienes castrenses" concerns especially caballeros who are in the army *por su soldada de rey o de otro.* The vassal relationship of *fijosdalgo,* the particular title of acquisitions similar to the origins of noble family property are responsible for the origin of our rule.

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The social function of this rule during the next two and a half centuries [12] was closely connected with the evolu-

12. The main features of the history of sources should be mentioned. The *Fuero Real* was introduced in 1255 in the cities of Aguilas de Campóo, Burgos, Sahagun, Niedla, Valladolid, Simancas, Tudela, Soria, Madrid, Segovia, etc. Altamira y Crevea, T. II, *op. cit.* p. 77; cf. Rauchhaupt, *Geschichte der Spanischen Gesetzesquellen* (Heidelberg 1923), p. 98 and *passim,* who thinks *Fuero Real* was a foral codification. The erroneous character of this conclusion is noticed by G. S. in his critical account on Rauchhaupt's book, *Anuario de Historia del Derecho Español* (1924) T. I., p. 461; cf. my note below. The aim proposed by the legislator—the unification of the law of the country— has been broken against a resistance of the nobility. Rauchhaupt *op. cit.,* 104, admitting that the reason of this resistance is not quite clear, tries, however, to explain it, as conditioned by lacks of this code, by the fact there were quite a few borrowed dispositions, meanwhile the *Fuero Viejo de Castilla* was a very comprehensive summary of proved customary rules. The assertion as to the *Fuero Viejo* at that date, is hardly defendable. Either the author confounds the *Fuero Viejo* with e. g. *Libro de los Fueros de Castiella* (published since by M. Galo Sanchez, edition of the Law Faculty of the University of Barcelona, 1924) which is a compilation of the law of about the middle of the thirteenth century (Galo Sanchez. Introduction), and which is too a comprehensive summary of proved customary rules and *fazañas,* where numerous titles concern fijosdalgo (e. g. 169, 171, 175, 176, 179, 181, 182, 195, etc.) and the *nucleus* of which was the customary law of *Castilla la Vieja;* or he relies upon the data of the editors of the *Fuero Viejo* as to its function and date, data contested already by Martinez Marina (l. c. 153 seq.) and later critics (cf. Altamira y Crevea l. c. 83; and G. S. critical account quoted above p. 462, note on p. 68 of Rauchhaupt's "Geschichte"). Very probably the nobility resisted the *Fuero Real* because different parts of the Code found themselves in opposition either to local *fueros* or, sometimes, to usages in practice just among the nobility,—usages which were not always in accord with the common rules of *fueros,* especially as regards domestic and hereditary relations. (Confirmación y adiciones de los antiguos fueros de Léon y Carríon by Queen Urraca of 1109, Muñoz y Romero, *Colección de fueros municipales y cartas etc.* (Madrid 1847), p. 96,—the earliest text I know containing all the elements of community property institution. There are nevertheless evidences of application of *Fuero Juzgo* visigothic proportionate community in later times in León. Don Rafael Floranes followed by Muñoz y Romero, l. c. 97 note, reaches on the ground thereof an inexact conclusion as to the survivance of the *Fuero Juzgo* in León until the promulgation of the

tion of noble property and depends on a particular regime of the order of succession characteristic of noble families, the beginning of which coincides chronologically with the creation of our provision. Under Alphonso X, when there is observable a process of fixation of hereditary titles, this is accompanied also by grants of entailed estates and the formation of large estates concentrated by the way in the hands of seniors of the family. So that we find on one hand representatives of families by the right of primogeniture who maintain the lustre and splendor of family, and who own all the substance of family property received either by inheritance or by gift of the king, and on the other hand the rest of the children, so-called *"segundos,"* who found themselves in a very inferior economic condition. The latter could but follow an ecclesiastic or military career.[13] Because if there was no regular army there were professional military men. Alfonso el Sabio was the king who formulated more clearly than any of his predecessors the claim of the crown to the control of the army and supreme military command as an essential attribute of the monarch with legislative and judicial power and coining money.[14] So if the organization of the army remains essentially the same until the end of the fifteenth century, or more exactly until the Catholic kings, there appear now new functionaries such as *caudillos,* generals; *adalides* [15] a kind of officers of the staff;

13. Cf. Altamira y Crevea, *Historia de España y de la civilización española,* T. II, p. 7 and *passim.* (Organización social y política).

14. Altamira y Crevea, *op. cit.,* section 438 *passim* and especially p. 35.

15. Cf. glossary to the *Fuero sobri el fecho de las Cavalgadas,* La Real Academia de Historia, *Memorial Histórico Español,* T. 2, p. 499 *sub verbo.*

*Leyes de Toro.* The question is to be solved otherwise). The *Fuero Real* according to the plan of the king should be imperative everywhere; but the nobility, jealous of its privileged social situation and liberties, on which particular usages depended, was opposed to the Code, which had to give up its place in 1272 (according to Rauchhaupt l. c. 105) to the *Fuero Viejo,* a statement which seems to me unacceptable taking into account the above considerations. The *Fuero Real* afterwards remained in force in the cities and towns subordinated directly to the king, as León (cf. above notice on Queen Urraca's *fuero* of León), Sevilla, and interior districts dependent on them. But it remained there as local *fueros* were in other places. The *Ordenamiento de Alcalá* of 1348 marked a turning point in the authority of the *Fuero Real* which passed too into *Las Leyes de Toro* promulgated in 1505, and later on to the *Nueva Recopilación.*

*quadrilleros,*[16] charged with the distributing of booty taken from the enemy; *fronteros,* military chiefs of frontier detachments; *almocatenes,*[17] captains of infantry, of whom professional experience is required in accord with the complication and development of military technique. The formation of these offices will be of great interest to the nobility, especially in later times. And as regards *segundos* of the noble families, they were natural candidates for these functions. These *segundos* found themselves in the army necessarily *por su soldada del rey.* More than this, the *soldada* was for them not a compensation of costs of the campaign, as it was in the case of military men of the eleventh century who received it on the third day after they left their homes, but it was a regular means of livelihood. Their situation was particularly interesting. They had nothing, or almost nothing, from the family property, and they depended on economic fruits of their professional activities. This kind of acquisitions replaced to them what might be inheritable family property. That is why it is dealt with in the text of the *Fuero Real* on the same lines as inheritance.[18] On the other hand military acquisitions, be-

16. Glossary, l. c. p. 505, Ley XII, Tit. XXVII, Part II.

17. Glossary, l. c. p. 500, Ley V, Tit. XX, and Part II.

18. It should be noticed that entailed estates, at the time of the introduction of our rule, were rather exceptions as were the cases of scions of great noble families who might be obliged to embrace a military career for pay. The germs of future development were present at that time, but were not sufficient for a formation of usage. This rule must be considered not as the reproduction of a widespread custom, but as an innovation growing out of various elements of past and present; and it represents an anticipation, perhaps unconscious, of a future social development. The *Fuero Real* contained, indeed, besides customary rules, some innovations, and the aim of the legislator seems to be not only unification of law but as well a preparation of the public for a vast project, cherished by the king, of the adoption of Roman law in *Las Siete Partidas* (cf. Sánchez Román, Estudios de Derecho é historia general de la legislación española (2d ed. 1899), p. 268; Rauchhaupt, *op. cit.,* 98 and n. 146). Very probably such difficulties as the *Fuero Real* met among the nobility were the reason why the king never promulgated the *Partidas,* nor did his successors, so that only in the fourteenth century did this Code under the rule of *Ordenamiento de Alcalá* assume the position of a supplementary Code, crowning other legal sources as an expression of the highest juridical wisdom, which had to be consulted as such (cf. a short but masterly sketch of this legislation by Altamira y Crevea, l. c. 78-84.) The rule of the *Fuero Real* excluding *bienes castrenses* was just a creation in the spirit of "peculium castrense". That is why we began our study by the text of *Partidas,* chronologically a later one, but logically preceding that of

ing entirely independent from the economic behaviour of husband and wife,[19] are connected specifically with the person acquiring it, as in the case of gifts. The history of the social function of *"bienes castrenses"* under the rule of the provision concerning *soldada* follows, from the time Alphonso el Sabio until the end of the fifteenth century, the period of wars of reconquest. It is a period of territorial expansion, and the accumulation of real estate in the hands of his nobility which play a prominent role in these wars. All the elements mentioned above, and present already at the origin of the legal provision, are now in plain development. The extension of entailed estates is a growing process from reign to reign. These are granted as a recompense to nobles for their services, and what was rather exceptional in the thirteenth century assumes an aspect of a social phenomenon characteristic of the highest social class of the kingdom, especially from the reign of Henry II on.[20] The *segundos*, who are thus disinherited, are quite numerous, and, their natural occupation being military, the rule becomes for them more important than ever under the dominant regime of noble property.

We should, however, insist on the forms of acquisitions opened to military noblemen. Otherwise the provision would be hardly understandable taking into account a low economic importance of personal property at this period. As a matter of fact, only real property was considered then as a valuable asset, and as a rule only such property constitutes capital seriously accountable in the family relations and inheritance, of which it is the main element. The term *heredat* and *heredamiento* is used in *Libro de los*

19. When common funds are not engaged in military activities, as it is the case of being in the army without pay *sine soldada*, or of private military enterprises.

20. Altamira y Crevea, l. c. 7.

*Fuero Real.* We should, however, insist that in spite of this logical filiation, the rule of "bienes castrenses" has nothing to do with the Roman Law, this rule being dependent on property relations between husband and wife essentially different in the Spanish Law.

*Fueros de Castiella*[21] and in other legal sources of the Spanish language now as "inheritance", now as "real estate". The personal property is of secondary importance. In the same *Libro de fueros* we find a text which contains implicit evidence of this same phenomenon. And what is especially interesting, it is connected with the regime of property relations of husband and wife:

Tit. 289:[22] Esto es por fuero de Logronno: que el dia que fuere el omne con su muger casado aura la meatad de todo el mueble, el marido de la muger, e la muger del marido. Et toda cosa que ouyesse cada vno dellos pecha por su cabo cada vno ante que casassen, ambos ados lo abrian de pechar por medio. Et depues que fuessen casados otrosi.

Thus the common property is not limited by acquisitions made during coverture, but all the personal property constitutes community property. Under these conditions the exclusion of personal property acquired during marriage would be justified only in the case when the amount of such property was considerable. And as a matter of fact, the expansion of the reconquest creates wide possibilities. The most natural one and directly resulting from a military campaign is the booty. But there are other forms of acquisition, indirect ones, as for instance *honor* or *tierra*,[23] which may equally be a form of remuneration for military activities.

The social function of the provision of the *Fuero Real* was far reaching and important in the formation of the wealth of nobility. As regards "segundos" of noble families, the gift of the king and the above mentioned forms of acquisitions are the point of departure of new accumula-

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21. Gálo Sánchez (ed. Barcelona 1924)). The nucleus of this book of fueros was the law of Old Castilla of the XIIIth century, and the author of this compilation must have accomplished his task a little after the conquest of Sevilla by Fernando III (1248). The manuscript used by the editor is of the XIVth century, Galo Sánchez, Introduction p. X and XIII, so these fueros are contemporary with *Fuero Real*.

22. p. 156 of above quoted edition.

23. *Honor* is a concession to a nobleman of fiscal rights due to the king in a definite place; *Tierra*, a certain rent from a determined pueblo. Altamira y Crevea, l. c. 8.

tions of property, and sometimes with new grants the very beginning of new entailed estates. This accumulated wealth made the noble families keep their prominent social situation after the political one had been long restricted. We may formulate now the juridical nature of the property under the rule of the *Fuero Real* during this period until the end of the XVth century.[24] It is closely connected with the family regime of the nobles. It is individual property *par excellence* of the husband, and as such is different from other kinds of *gananciales*, but it is at the same time the property constituting a nucleus of the future family property of a nobleman acquiring it. The evidence of this may be seen in the rules governing the distribution of spoils of war. We find in the so-called *Fuero sobre el fecho de las cabalgadas*,[25] art. XVIII dealing with *erechas* or indemnizations for wounds etc. received during a *cabalgada*. Tit. XVIII, *De las feridas que fueren fechas en los cavalgadas, commo sean erechadas*, after a list of *erechas* of various amounts according to different degrees of wounds, deals with the case of death on the battlefield:

> . . . *Et si alguno moriere en la cavalgada, quel den su parte bien asi commo o uno et a otro. Et si non le fallaren parientes, quel den su parte por amor de Dios.*

So death on the battlefield does not deprive a fallen

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24. The law of King Henry IV of Castilla on *bienes castrenses* promulgated in 1473, i. e. on the eve of the reign of the Catholic kings with deep social and political changes which marked the next period,—this law, which we quoted in the beginning of the present paper, is a way-mark for the history of our institution.

25. Published by the Real Academie de Historia. *Memorial Histórico Español*, Tom. 2, pp. 437-506 (inexact reference by Rauchhaupt *op. cit.* 84, n. 106). Full title is *Libro que el Emperador Carlos fizo é ordenó para Todos los Reyes de la Christianidad sobre el fecho de las cabalgadas.* This is an apocryphal compilation attributed to Charlemagne (Rauchhaupt l. c. n. 106 confounded Charlemagne with Emperor Charles V: "Carlos I (V von Deutschland"); cf. G. S., critical account of *Annuario de Historia del Derecho Español* (1924) p. 462.)

The compiler in fact borrowed numerous laws from the *Fuero of Alcaraz*, which was the translation of Latin *fueros* of Cuenca, translated in their turn from the *fuero* granted by Don Alonso II of Aragón to the city of Teruel in 1176 (Advertencia of editor 441). The manuscript discovered in 1807 in the city of Perpignan by Fr. Jaime Villanueva by its paleographical characteristics seems to be of the fifteenth century (l. c. 439). So military customs of the period interesting us particularly are reflected in the *fuero*.

caballero of his part of the booty. This part is transferred to his heirs.

It is curious enough that neither the fundamental text of *Partidas* (quoted above), nor the text of *Fuero Real* uses the terms of *bienes castrenses.* The reason of it seems to be the fact that the center of gravity is on the nobility which is occupied with military activity and not on the activity itself. In other words these different forms of remuneration we spoke about, all of which go to noblemen, are acquired by men not for military activity, but because the military activity is in their domain. An "honor" or a "tierra" are not *bienes castrenses* indeed, although they are granted as a remuneration for services made by, and expected eventually from, these warriors who form the nobility of the land. It is quite understandable in a period where there was no permanent and regular army, and where the political influence of the nobility was great. It is no wonder consequently that these characteristics are maintained until the end of the reconquest which coincides with the end of the political power of the nobility under the Catholic kings.

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The policy of the Catholic kings towards the nobility gave a mortal blow to the organization of the class which was at the basis of the function of our provision. The concessions granted to the nobility especially at the most difficult moments of anarchy and weakness of the kings (as e. g. of their predecessor Henry IV) were revoked. And after repeated representations of the nobility, the Catholic kings charged Cardinal Mendoza to investigate *los libros de juros y mercedes, consultando à los contadores oficiales* of the time of Henry IV. The opinion of the cardinal was that *"todos los que tenían pensiones concedidas sin haber prestado ningún servicio correspondiente por su parte, las perdieran enteramente; que los que habían comprado papel de renta, devolvieran sus vales, recibiendo el precio que hubiesen dado por ellos; y que los demás acreedores, que eran el*

*mayor número, conservarán tan sólo una parte de sus pensiones proporcionada a los servicios efectivos que hubiesen prestado al Estado."*[26]

The meaning of this measure is not doubtful. From now on the advantages the noblemen have, are to be corresponding to the effective services they deliver, and not to the fact that they are expected to serve when need appears. Even the most important privilege, the immunity from taxes can be revoked, if a nobleman is not capable to face his duty. The obligation of personal military service in Spanish communities of this time was so imperative as regards the nobility, that a *caballero* incapable of furnishing arms and a horse was reduced to the state of *pechero,*[27] that is to say one taxable, a *roturier.*[28] Consequently the connection between the nobility as a class which furnishes military service and the property its representatives acquire as such, has been broken. And only the property acquired directly from military activity and connected with a person serving effectively, be it nobleman or not, is characterized as a particular kind of property i. e. as *bienes castrenses.*

The new legal text containing the provision is characteristic in this sense:

> *Mando y ordeno, que todos y qualesquier bienes castrenses, y oficios del rey, y donadios de los que fueran ganados . . . durante el matrimonio . . . que sean y finquen de quel que los hubo ganado.*

No more family nor seigneurial relationship is perceivable as regards titles of acquisition mentioned in the text. There are but the king, the state, and the individual who receives property as an onerous title or as a gratuitous one.

Let us compare the titles of acquisition in the text of the *Fuero Real* which we have already examined, and in this one:

26. Altamira y Crevea, *op. cit.*, p. 406.

27. Jean H. Mariéjol, *L'Espagne sous Ferdinand et Isabelle*, p. 196, and a chapter consecrated to the army, *passim.* See too Amador de los Rios, *Hist. de Madrid*, T. II, p. 163.

28. Is not that an inverse situation in comparison with the provision of the *Fuero de Nájera* etc. on the eve of the wars of reconquest.

"Herencia", "gift", pay when in the army of the king or another; that is to say, a remuneration of vassals.

Here inheritance is not mentioned at all. The first place is attributed to *bienes castrenses,* then follow offices of the king, i. e. *bienes quasi castrenses,* and then gifts. Nothing which would be connected with the nobility as a social class nor with family. Only effective service either military, or civil.[29]

Deep political and social changes are perceivable through the composition of the text.

The organization and recruiting of the army, changed under the Catholic kings, will assume a modern aspect under their successors, especially after reforms conceived and executed by Gonzalo de Ayora and Gonzalo de Córdoba.

The number of permanent troops of the king grows. Especially important is the *Pragmática* of February 22, 1496, of Valladolid, which determines obligatory military service of all Spaniards from twenty to forty years, among whom the state would recruit one soldier from every dozen of citizens.[30] They constitute a reserve, and receive pay when mobilized *(acostamientos, milites stipendiarii.)*

As to the technical side of the army, the Catholic kings replaced old divisions in *batallas* by new ones, uniform *batallones* of 500 troopers each. The importance of this innovation was far reaching in the same direction. *Batallas* remained always seigneurial contingencies, of various numbers of warriors each, where lords and their vassals constituted heterogeneous military units. From now on the divisions of the army became uniform, and the connection of military units with territorial distribution of noble families and their vassals has been broken definitely.

Córdoba's reforms accomplished the transformation of a feudal army of nobles into a modern army of the state. We find in the XVIth century *capitanías* or *compañías* of

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29. As to the juridical construction of the law: bienes castrenses—offices—gifts, see below.

30. Mariéjol, l. c., p. 200 *et seq.* (this author mentions the ages from 20 to 45) ; Altamira y Crevea, l. c., p. 474.

500 men each; *coronelías* or *esquadrones* composed of twelve *capitanías* each. They are uniformly armed, and what is quite important socially each *coronelía* of infantry has 600 horsemen attached to it, and a more comprehensive unit, a brigade, is provided with sixty-four pieces of artillery.

It is needless to insist that the composition of the army was deeply modified by these reforms. *Caballeros* are distributed throughout the units and lose as such their exclusive position. The army needs men of professional experience. We know that Italian, German, and Flemish engineers were now employed in the artillery. Córdoba himself was a military man of the Italian school.

An important new feature of the period should be noticed. The wars of reconquest are finished. This is a period of conquest and expansion. The army needs men, whether noblemen or not, Spaniards of *sangre limpia* or foreign offsprings recruited in the far distant provinces of the Empire.

This cosmopolitan crowd is organized in *capitanías* and *coronelías*. They are of heterogeneous origin but their common feature is that they are serving the king and the state. They are the mercenary soldiers who follow Charles V to Flanders, to Italy, to the Netherlands, and to France; the great captains themselves, like Cortez with his companions at arms, and intrepid adventurers of the type of Francisco Pizarro—all those people of the era of wars, of discoveries and of conquest, who bring with them, throughout the known and yet unknown world, the name of Spain and the banner of the Catholic faith. These soldiers of profession full of faith, of love for adventures and of insatiable avidity for goods of this world, leave their homes and go out to far countries to satisfy their desire, sometimes of glory and always of gold. Some of them find death in the virgin forests of the Amazon or on the hideous altars of Mexicans. Many return home with bags heavy with booty, to enjoy a rest well or ill gained. Such are the people acquiring *"los bienes castrenses"*.

This category of people is numerous enough. They are interesting for the country not only as a means of power, but as a source from which wealth comes. These resources, however, are extraordinary, they are not of the nature which the country gets from its industry, commerce, land, by normal processes of accumulation of wealth; likewise the activity of these people does not resemble, in this sense, the activity of other members of society. It develops outside of the common regime of those who remain in Spain and do business of their ancestors or exploit hereditary property. It is understandable, then, that "inheritance" is not mentioned in our text, in spite of the fact that it does not become community property. The fact of being military is not considered here as that of a man who knows how to use a sword, but is considered as a lucrative business which is exercised under particular conditions and eminently outside of marital communion. The product of the activity of a soldier is indeed essentially personal. It is at the same time a kind of *donum fortunae,* as far as it is beyond regular activity within the society. It is quite understandable, then, why three titles of acquisition are mentioned in our text: *bienes castrenses, officios del rey* and *donaciones.* All these are outside of the regular activity of the rest of society, all concern strictly a person so acquiring the property, and all are unrelated to, and consequently disproportioned with, family or personal capital possessed by the spouse before marriage, consisting of either real or personal property, and only the fruits of which become community property. It should be noticed that the economic importance of personal property appear just at this period, so that accumulation of a movable fortune becomes an important economic factor.

Let us see now the social function of the provision of the text. It appears as a regulator of property relations between husband and wife, tending to the uniformity of this relationship within the whole of society, and not as to a particular social class.

In the Spanish community property of modern times, reduced to *gananciales,* where the fruits of separate property of the spouse become community property, this common property will be in proportion as to the social class and a wealth of a family. As to the wealthy people the community will be considerable because of the considerable incomes obtained from separate property. As to the common people, where the community is a result principally of the personal industry of husband and wife, the community property will be a small one, but it will be always in proportion to the social *status* of family and to the respective volumes of separate property either of husband or wife or of both of them. This characteristic is not without importance, because it is in functional relation to the economic nature of the regime of community property which is supposed to be a product of the common activity of the spouses. Economically it is a premium of good administration of the husband, of good housekeeping of the wife, and of a wise economy of both. So that in the case of the dissolution of community either by the decease or especially by separation (equivalent there to the divorce), the partition of this property into two equal parts corresponds, *ceteris paribus,* to the feeling of justice.

This is not the case of property acquired by the means mentioned above. Not only that this property is acquired exclusively by the activity of the husband alone, without any form of collaboration of the wife. But this category of acquisitions is of a nature tending to break down this proportionate equilibrium of the function of the institution within and throughout the society. *Los bienes castrenses,* side by side with offices of the king and with gifts, were apparently prominent sources of a prompt enrichment, and the only sources unrelated to a mass of inherited or otherwise possessed individual property of each spouse. In the case of one Cortez or a governor of some island, a fortune acquired by the way constituted his individual property, and the community receiving income from his

property functioned as a community of other well-to-do people, so that the repartition of respective masses of property remained throughout the whole society under this rule equally distributed. There were no rich people with small common property, or enormous common property, with small individual [31] funds.[32]

When, consequently, this element is lacking, there is no place for applying the rule of "bienes castrenses". This is true even as to the members of the army, who receive their pay and whose property is acquired during and by their military activity. Such was exactly the case of the Spanish troops garrisoned in *presidios* in the Spanish provinces of the New World. The Dictamen of Pedro Galindo Navarro constitutes a precious evidence thereon.

The text follows:[33]

f. 3, p. 2/Las Compañias Presidiales y Volantes se hallan/f.4, p. 1/ en continua guerra y debiendo ser de sobresaliente calidad, y confianza, se declaran en el art. 5., Tit.° 1.° del Reglamento, por Veteranas y del Egercito, y á sus oficiales, sargentos, y cavos seles concede alternativa en todo, con los delos cuerpos arreglados, y la misma obcion álos ascensos, honores, grados, y recompensas, y tambien álos retiros, quando por sus heridas, achaques, ó abanzada edad, no pueden continuar las duras fatigas de este servicio: Por el articulo 6.° del mismo tit.° se previene que aunque esta tropa varia dela demas del egercito en su govierno interior, Prest. Vestuario, Armamento y Montura, en todo lo perteneciente á la Subordinación y Leyes penales deve estarse á

31. I use the somewhat vague term of individual property because the term "separate property" does not render the meaning which is contained in the corresponding term of *biens propres*. Separate property as a term contains only negative characteristics of goods as being outside of community, while "biens propres" which could be translated as inherited property, loses in its translation the nuance of individual property which is eminent as to the relationship we are examining, the relationship of husband and wife as owners.

32. This is often the case in the Western States, e. g., in California, because of the fact that the nature of our text was not taken into consideration, and an analogous provision has not been created. This is not the place to analyse it in detail. See below.

33. The first folios of the text are reproduced in my paper "Dictamen of Pedro Galindo Navarro" in the *New Mexico Historical Review*, July 1933, p. 185 *et seq.* I reproduce the text, as there, with the orthography of the ms. The original document is in the Spanish archives (no. 1351) at Santa Fe, New Mexico.

lo que previenen las Ordenanzas Generales: En el 2° de Tit. 5° se dispone que cada cavo y soldado tenga en caja un caido de cien pesos, y que á este fin sele bayan reteniendo veinte ó veinte y cinco anuales, haciendoles ver que esta providencia tiene por obgeto el bien de sus familias si falleciesen, y el personal suyo, si se retirasen por ancianos imposibilitados, ó cumplidos: Y ultimamente en el 1° del Tit.° 11 con los justos fines de que á el resguardo delos Presidios bien arreglados/f. 4, p. 2/ se fomenten la Poblacion y Comercio en los Paises de Frontera, y se aumente su fuerza con el mayor numero de abitantes, se mande que no se impida ni retraiga con pretexto alguno á las gentes de buena vida y costumbres, avecindarse y residir dentro de sus resintos ampliandose por alguno de sus lados, quando no bastasen á contener las familias agregadas, y haciendose la obr aá quenta del comun, por redundar en beneficio de todos, y que en el repartimiento de tierras y solares se dé la preferencia á los soldados, que huviesen servido los diez años de su empeño á los que se huviesen retirado por la ancianidad, ó achaques, y á las familias delos que huviesen fallecido entregando entonces á unos y otros sus alcanzes, ye el fondo de cien pesos que deven tener caidos en caja, para que puedan aviar sus Labores.

Agregando á estas providencias economicas dirigidas á fomentar la Poblacion en los Paises de Frontera, la consideracion de que quando toman Plaza los soldados delas Compañias Presidiales y volantes comun, y generalmente son pobres sin caudal, ni bienes algunos, y que á diferencia delas demas/ f. 5, p. 1/ Tropas del Egercito se admiten reclutas casados y solteros, y esto se ben precisados á tomár estado, podrá tener quien los cuide y asista; resulta de todo por consecuencia necesaria, que el fondo de cien pesos que seles retiene en caja, sus alcances y los cortos bienes que poseen á el tiempo de su fallecimiento, son adquiridos durante el matrimonio y que la mitad de todo corresponde á sus Viudas por razon de gananciales, exceptuando solamente aquella porcion ó parte que los hijos, ó herederos de sus difuntos maridos, justificaren haver llevado á el matrimonio, lo que deverá reservarseles, como capital que les pertenece.[34]

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34. The rest of this folio does not interest us now. It concerns the case of the Puerto of Guajoquilla analyzed in the above quoted paper, and the issuing of the *dictamen* by the Chihuahua chancery.

The text scarcely needs a commentary. Some remarks are, however, to be made as to the details. The flying companies garrisoned in presidios, declares the *dictamen,* find themselves in continuous wars. They must be of an overwhelming quality and character, and as regards honors, degrees, and recompenses, they are to be dealt with as regular troops. So the general provision on "bienes castrenses" concerns these troops as well as other members of the army, and the applicability of the rule depends only on its own nature. In other words, the question is, if acquisitions these men make by virtue of their activity are such as to break the equilibrium of husband-and-wife property reparitions, and to make the rule work.

The description of the economic status of troops reveals that these acquisitions have no such effect. As to the soldiers, the government is specially concerned with the question of economies which would permit their families, in case they are killed, or themselves, in case of retirement, to arrange their affairs and organize a decent living. One hundred *pesos* of required savings, composed of 20 or 25 *pesos* annually retained from their pay, should serve them as such a guarantee fund. We see that there is no question of a disproportionate enrichment and consequently no place for the application of the rule. The period of conquest and expansion finished, the function of the rule is in decay. Potentially the rule exists, but the cases of its application are exceptional, if they present themselves at all. A safety valve does not function save in the case of an excessive pressure. When such is not the case, the valve is silent.

The characteristics of the activity of these troops is, too, very different from that of *conquistadores* of the sixteenth century, in spite of continuous war which requires the eminent military qualities mentioned at the beginning of the 4th folio above. A personal initiative so eminently

characteristic of captains and their companions [35] of the period of expansion is lacking, as a rule, among these descendants of Coronados and Guevaras, as far as we may judge on the ground of the policy mentioned by the auditor. The social policy pursued by the government was to develop settlements in these frontier countries. It was interested in augmenting the population around garrisons and in encouraging commerce, no less than in the military safety of the frontiers, these two factors being two aspects of the same problem. A curious provision is mentioned as to the repartition of lands and lots between warriors who were to become colonists. The preference in this repartition is to be accorded to the members of the army who served ten years as such, before those who retired from service at the limit of age. At first glance it seems strange that veterans who had served all their life in the army are in a position of inferiority in comparison with their younger fellows of ten years of service. The preoccupation of colonizing the country does not explain this advantage of an early retirement. The fact is that military service is considered by soldiers as a more sure and comfortable situation, which is to be abandoned as late as possible—a situation securing to men a means of livelihood with lesser risks than those faced by an individual settler. And this in spite of the moderate remuneration they receive. A spirit of passivity contrary to that of their ancestors reigns in the army. The courage is perhaps the same, but the spirit of enterprise is gone.

Their "bienes castrenses" degenerate consequently into small amounts,[36] each like the other, and all like the small income of a settler. Consequently a half of "the fund of

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35. As to the history of conquest and colonization of the oversea provinces, this growth and decay of personal initiative is striking when one reads correspondence between Spain and these provinces, and the documents concerning the question. Cf. c. g., 40 volumes of the *Colección de documentos inéditos relativos al descubrimiento, conquista y colonización de las posesiones españolas en America y Oceania*, pp. J. F. Pacheco, F. de Cárdenas y L. Torres de Mendoza. (Madrid, 1864-84.)

36. As to these *bienes castrenses* and the calculation thereof, see V. Basanoff: "The Dictamen of Pedro Galindo Navarro," in *New Mexico Historical Review*, July 1933, p. 196.

one hundred pesos, which they retain in their savings, their *alcances*[37] and a few goods they possess" and which are acquired during marriage, "go to their widows *por razón de gananciales*" with the exception of the part to which children or heirs of their husbands may justify their claims, and which are to be reserved to them as a capital which is theirs. That is to say, the provision on the "bienes castrenses" is not applied, and the property of these military men is distributed according to the common rule of civil law.

Let us recapitulate the phases of the history of *bienes castrenses* in Spanish law, before dealing with the reception of the Spanish community property in the Western states, in connection with our subject.

The Christian Spanish state was, as a matter of fact, reduced in the eleventh century to a small territory of the kingdom of León, from which began a series of wars of reconquest. These wars as well as continuous efforts directed to the defence and maintaining of newly regained territories and their frontiers were conducted by the king with his barons and vassals. A remuneration the noblemen received from their lords, either king or "ricoshombres," is mentioned already in connection with the name of don Sancho count of Castilla. But this kind of acquisition is not yet considered as a particular one juridically. The following factors are responsible for it. The property relationship between husband and wife was differently organized in different *fueros* and the visigothic regime of *Fuero Juzgo* was still widely in practice; the social and economic conditions of the nobility were not so formed that a need thereof would be felt; the idea of a peculiar type and nature of this kind of acquisitions did not enter contemporaneous thought.

This idea came with the Renaissance of Roman law under the form of *peculium castrense* which impressed the Spanish legislator of the middle of the thirteenth century. The political, social and economic conditions changed too

37. See V. Basanoff, *op. cit.*, 195 seq.

about this time. As to the political factor, the army conserving its feudal character came under a narrower control of the king, who showed himself more interested in its organization. There appear military functionaries. On the other hand, there appear entailed estates, and this regime, disinheriting *segundos,* furnishes thus natural candidates to paid military posts. So the *soldada* of the king as well as that of *ricoshombres,* assuming various forms, becomes an important factor in the economic life of the nobility, connected with the regime of noble property and order of succession. According to these characteristics *bienes castrenses* are treated with the inheritance and gifts; and with these two kinds of acquisitions do not fall into the mass of common property. Our rule is eminently an institution concerning nobility as a social class whose occupation is the military activity.

With the Catholic kings and the end of the wars of reconquest, the nobility loses its exclusive political situation, and because of military reforms and wars of conquest, the military business becomes open to everybody. Now this kind of acquisition is treated not with a family factor of inheritance, but with the analogous acquisitions of royal offices and gifts, as acquisitions made outside of the normal activity of the rest of the nation. The institution, instead of being that of a class, becomes national. With the growth of the economic value of personal property, this kind of acquisition becomes an important factor of an extraordinary and strictly personal enrichment, so that the rule of "bienes castrenses", in its social function, assumes the role of a regulator of proportionate equilibrium in the repartition of property within families.

This function of the rule is eminently social. Its application works automatically when there is an intensive vertical social mobility. And it maintains then the economy of the property relationship of husband and wife. As to the families which move up to the economically higher social strata, the rule avoids eventual disturbances, maintaining

the repartition of property as if the family had occupied always the social situation recently achieved. In the periods of intensive social mobility, with a high index of individual enrichments within society, many an evil consequence is thus avoided, especially if we take into consideration a growing instability of marriages during these periods, in comparison with those of lesser mobility.

So the text of Ley 5 of the *Nueva Recopilación* Lib. V, tit. 9 may be considered as a masterpiece of legislation, of which the juridical world of Spain has a right to be proud.

* * *

At the time of the adoption of the community property rule in the States formed from territory acquired by the United States from Mexico in 1848, the text of law 5 here cited did not attract the attention either of the American legislator or of the judge. There were neither soldiers with "military property" [38] nor kings. On the other hand, nineteenth century legal treatises of repute in Mexico, like *Febrero* or *Sala Mejicano,* consulted by American lawyers, do not deal at length with our text, because of the decay of its application, due to the absence of corresponding social and economic conditions, as we observed in the case of the Galindo Navarro *dictamen.*

Thus the doctrine of the rule of "bienes castrenses" remained outside of the juridical construction of community property, and was not applied in spite of the intensive social mobility and other social and economic factors, with which the rule was connected. This would naturally occasion a marked change in the evolution and social function of the rule, in the states where said social factors are felt more

38. It is curious that in a recent edition of Spanish legal texts concerning community property published by Lloyd Robbins and Bernardine Murphy under the somewhat misleading title "Laws of Toro" (I wonder if the editors realized what "Toro" was) bienes quasi castrenses are translated as "semi-military property," a baseless translation which shows insufficient knowledge of what the text means. Cf. our p. 4 above. It is interesting, however, that people investigating the Spanish institution lay stress upon the notion "military" where nothing might be construed this way. No wonder that the social function of the text escaped the attention of lawyers at the very time of the community property reception in California.

acutely, as e. g., in California; and this may be considered one of the leading causes of its eventual decline.

Let us make some observations on the cases which present striking analogies, as to their social nature, with those for which the provision was created.[39] If there were neither kings nor soldiers acquiring "bienes castrenses" by war, there was the American nation, and there were pacific conquerors who began to colonize the Far West, especially the Pacific coast, long before it became territory of the United States. They paved the way for this political acquisition. They were agents of American expansion exactly as Spanish soldiers and conquistadors were, in the sixteenth century. The "Bostonians" came to California first to engage in commerce, later to find gold. The social nature of their situation as well as the conditions of their activities, and the result of the latter were strikingly analogous to those of Spanish conquerors. In both cases, men worked for expansion and had the aim of an enrichment. The only difference between the camps of Spanish soldiers and conquistadores and those of American adventurers and gold seekers was that the first were military and the second pioneer or mining camps. Even that difference, in early times, was more formal than material.[40]

When, in 1849, the constitutional assembly of Monterey, after a hot discussion,[41] introduced into the constitution a provision defining separate property of the wife, as section 14 of Art. XI, thus inaugurating the regime of community property in California, and when the act of April 17, 1850, defined more circumstantially the property relations between husband and wife, there were in California many people in the conditions described above.

Let us recall from this point of view a case of 1855: Rachel Beard vs. William J. Knox, 5 Cal. 252.

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39. It is needless to say, I shall restrict myself to the indication here of the main features of these cases, and only so far as they are connected with our topic. I shall deal at length with the questions of community property in my book on the history and sociology of the institution, which is now being written.

40. Should it be said that *bienes castrenses* signifies just *camp goods?*

41. See *Debates*, pp. 257 seq.

Rachel Beard, plaintiff, married William Beard in 1840, in the State of Illinois, without any special marriage settlement. They lived together until 1849, when Beard emigrated to the State of California, where he established his domicile and resided until his death. William Beard died in December, 1853, in the city of Nevada, leaving an estate estimated at about 12,000 dollars, and consisting of real property, mines and mining interests, in the county of Nevada, California. All this property was acquired after April 17, 1850, the date of the act defining property relations between husband and wife. Beard left a will by which he devised to his wife five hundred dollars, and the whole of this estate, save some trifling legacies, to Harriet A. Beard, his minor daughter by Rachel Beard.

Rachel Beard contested the validity of these testamentary dispositions, as depriving her of her half of the property, a claim to which she grounded on the provision of the act defining community property as the property acquired by either husband or wife during marriage, except that acquired by gift, devise or descent.

The court pronounced judgment in favor of the plaintiff, awarding to Rachel Beard a half of the estate, including in this half the five hundred-dollar legacy.

The defendant appealed the case. Among the arguments of this appeal, one is particularly interesting: "The law of April 17, 1850, should not be applied to the plaintiff, because she never resided in the country."

This is the opinion of the court as to the argument cited:

"The appellant relies on the words of the statute (April 17, 1850) 'shall reside and acquire property' and seems to think that this provision was intended to give greater privileges to those wives actually living or residing in the State than was conferred on those not actually resident. In Kashaw v. Kashaw, 3 Cal. 312, we held the domicil of the husband was the domicil of the wife in contemplation of law, and that it was not necessary that she should be an actual resident of the State. The reasoning of that case will

apply with equal force to the present, and it can hardly be supposed that the legislature intended to deprive the wife of all right to the husband's estate as a penalty for not residing in the State, which would be the necessary result if the appellant's construction was correct."[42]

Subsequently the Supreme Court of California confirmed the judgment of first instance, and corrected it with irreproachable juridical logic as to the legacy of 500 dollars. Conforming to the court's decision Rachel Beard was entitled to receive half of the Beard estate, as a result of reparition of community property, and besides, the validity of the five-hundred-dollar legacy being unquestioned, this amount as well.

So the rule of *bienes castrenses* was not applied in the case. If it had been applied, the estate would have been considered as a separate estate of the deceased, and his testament valid.

The case is interesting because all the estate acquired by Beard was acquired outside of the economic behaviour of husband and wife. This property could be construed as community property only on the ground of the letter of the law. Nothing therein was of the nature of community property, which arises in history as a natural result of spouses living together in common, and from a situation of the wife who is considered as partner of the husband, *socia laborum periculorumve.* The court did not take into account the first element of the provision of *bienes castrenses,* that a property acquired independently of the marital communion, and of the economic behaviour of husband and wife does not become community.

Consequently the right of the wife is construed in the above passage independently of this behaviour, and as a right to the husband's estate, resulting not from the marital community but from the legal fact of being his wife.

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42. *Loc. cit.*, 255. This text is highly interesting as to the elements of which it is composed, from the historical as well as from the sociological point of view. This is not the place to analyze it at length. I will confine myself to observations closely connected with the topic of this article.

This construction changed the development of our institution, and in an inverse hypothesis [43] the income of the separate estate of the wife was considered as her separate estate as well (Ransom vs. Ransom 15 Cal. 322). So that the Constitutional Assembly of Sacramento, in order to reestablish the equilibrium of property relations between husband and wife, adopted the same regime as to the separate property of the husband (Sec. 8 of Art. XX), and the community funds were deprived of what were their most natural resources in Spanish law.

On the other hand, the social function of our Ley 5th, as a regulator of the proportionate repartition of elements of the property under the regime received from Spanish law was lacking, as well; and we observe, now enormous separate estates without common property, now enormous community property (of some twenty-five million dollars, as in Spreckels v. Spreckels 116 Cal. 339) with trifling separate funds or without them.

I shall not dwell here on the analysis of the juridical, economical and social consequences of this state of things. The above mentioned examples are sufficient, on the other hand, to show the influence of the non-adoption of the rule of Ley 5th in California. This is not to be understood as criticism of California courts and legislators. These facts are mentioned as evidence. We realize now the role our rule plays in study of the property relations between husband and wife in the Western States, a problem of far reaching importance for legal history and sociology.

*Paris, France,*
*August 28, 1933.*

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43. Husband and wife were living together, and the question was of the separate estate of the wife, the fruits of which, notwithstanding all the elements of community present, were excluded from it, on the ground that the provision on separate property of the wife was a part of the Constitution and the act of April 17, 1850, should be construed as not constitutional, as to the wife's separate estate.

## NECROLOGY

### RICHARD L. YOUNG

THE Mesilla Valley and the State of New Mexico suffered the loss of a prominent, highly respected, public-spirited, and well loved citizen in the death of Richard L. Young, prominent lawyer of Las Cruces, on July 4th last, at the ripe age of seventy-two.

Mr. Young was born at Boonville, Missouri, in 1861, and was educated in the schools of St. Joseph. As a young man he was a steamboat pilot on the Mississippi river. Reasons of health induced him to come to New Mexico in 1888, where he entered the legal profession. Not long after his arrival he married Sue Cornelia Leedy, of Springfield, Missouri. He was at one time the law partner of A. B. Fall. In politics he was an ardent Democrat, but not an anxious seeker after public office. He twice refused the nomination of his party for United States Senator, but did serve as district attorney for the third judicial district. On one occasion he came within a few votes of being elected judge, and carried his own county of Doña Ana by a handsome majority, receiving the support of many Republican voters. He was a member of the first town board of Las Cruces in 1907, and officiated as chairman of the board during its second term. He was one of the chief promoters and organizers of the Elephant Butte Water Users' Association. He was a man of deep religious convictions and was a charter member and consistent supporter of St. Paul's Methodist Church in Las Cruces. His life was saddened by the unfortunate death of his only son, whose life was cut short by an accident shortly after his graduation from Yale University. At the time of his death, Mr. Young was devoting his business ability and high sense of public duty to the task of being president of the Board of Regents of the A. and M. College, during a peculiarly difficult time in its history. He is survived by his wife and an elder brother, Benjamin Young, of Sedalia, Missouri.

It would be impossible to express more fittingly in words the esteem in which Judge Young was held by his fellow citizens than in two obituary notices of him by distinguished members of his profession, Edwin Mechem and Numa C. Frenger.* Judge Mechem, a former political opponent, said in part:

> We will not speak of his industry and ability, by which he became recognized as a civic leader and a jurist of the first order, but of his human side. . . . It seemed as though he had adopted the young people and children of the community. Many of the boys and girls who have been raised in this vicinity will ever hold him in affectionate memory for his friendly council and aid. While he held himself rigidly to his ideals of life and conduct he had a broad sympathy for the weaknesses and failings of others. . . . There was nothing narrow or bigoted about him. He granted to others the same right to their own ideas and principles, which he assumed for himself.

N. C. Frenger, now serving as judge of the third judicial district, wrote:

> He loved his community and his State, and their interests were his. Always progressive, he earnestly strove for real and substantial advancement for his people and did not heed what might be extravagant, glamourous or evanescent. The glamour of public office did not appeal to him, but when a real service was to be performed he would accept positions of public trust. His services were always sound and characterized by the high order of integrity that was his. It should not be forgotten that as one of the first Mayors of our town he laid firm foundations whereby we have grown into a City of aggressive commercial strength and one of contented people. When the Elephant Butte project was first broached, it was Mr. Young who was outstanding in grasping its possibilities. To bring it into actual existence, seemingly insurmountable difficulties had to be overcome, and in the struggle for success, Mr. Young was ever in the forefront. In a very great measure we owe it to him that we now live in one of the best farming sections of our country. The welfare of our College was always close to his heart. It was under his inspiration that the Y. M. C. A.

* *Las Cruces Citizen*, July 6, 1933.

building was erected on the campus. During the past three years as a Regent of the College he has been tireless in guiding it through the many perils incident to the very depressed times we have been passing through. . . . Mr. Young will be missed by those of us who must remain yet awhile to carry on, but the good influences that he has left will guide and sustain us.

PERCY M. BALDWIN.

*State College, N. Mex.*

ARTHUR SELIGMAN

If ancestry, early training and environment ever predetermined the career of any man, such was the case with Arthur Seligman, the first native-born governor of New Mexico not of Spanish ancestry.

The father, Bernard Seligman, was a native of Germany, who before coming to America had been on the staff of the famous banking house of the Rothschilds in Frankfort-on-the Main. A college graduate, the father was a linguist of no mean pretensions, speaking English, German, French, Spanish, Italian, and Hebrew. After reaching the United States, he located in Philadelphia where he was interested in the manufacture of cotton goods. He arrived in Santa Fé in 1856, and in 1862 joined Sigmund Seligman who ten years previously had formed a mercantile partnership with Charles P. Clever, later territorial delegate to congress, to establish the firm of Seligman & Clever, which engaged extensively in a flourishing trade over the Santa Fé Trail. Bernard Seligman, a trained public speaker, rapidly gained political influence. He served in both houses of the legislature, was chairman for three terms of the board of county commissioners, was territorial treasurer, was a commissioner to the exposition in Vienna in 1872, and to the Paris Exposition in 1881. Before the establishment of the first bank in Santa Fé, the Seligman firm in addition to its mercantile activities engaged in private banking and was active in helping to finance the construction of what is now the Denver and Rio Grande Railroad to

Santa Fé. Bernard Seligman died in Philadelphia in 1903, at the age of 65. His son's career in a large measure paralleled his own.

The mother, née Frances Nusbaum, was the daughter of John Nusbaum, who founded one of the first department stores in America, at Harrisburg, Pennsylvania, where his daughter was born. He was later proprietor of a similar store at Peoria, Illinois. The biographer of Frances Nusbaum states: "She was a noted beauty, highly educated and accomplished." In Santa Fé she took a notable part in civic and club activities and in doing charity work. She died only a year after her husband's demise. Her children were four: James L., of Santa Fé, Mrs. Eva Cohen of Philadelphia, Miss Minnie who died while attending college, and Arthur, the subject of this sketch.

Characteristic is the fact that there is a vagueness regarding the year of birth of Governor Seligman. Biographical reference works such as *The National Encyclopedia of American Biography* and *Who's Who in America* give it as June 14, 1873; a sketch of the firm of Seligman Bros. gives it as 1872, and both the application for membership in Montezuma Lodge, A. F. & A. M. and his application for Scottish Rite degrees, in his own handwriting, make the date 1871,—no doubt, the correct one. It is strange that, all through his life, there rose again and again similar vagueness as to his motives, decisions, and actions, making him a much misunderstood man and subjecting him to merciless and unjustified criticism.

He gives us glimpses of his boyhood days in a sketch which he recently wrote on his experiences as a collector of Navajo blankets. He says, for instance: "I recall that in my younger days I used to sit in the curio stores of Jake Gold and Abe Spiegelberg by the hour, trying to study and learn from them what constituted a good blanket," and again: "When a boy of twelve years of age, I was attracted to the Indians by their art, their picturesqueness and their love of color and harmony—I spent many of my vacation

days among the Indians. In those days our means of travel were either by horse and buggy, or a buckboard drawn by a pair of good mules. Often I was scolded by my father when I would come home with some Indian artifacts, such as moccasins, bows and arrows, baskets and a blanket or two, and well do I remember how my mother would insist that they be hung outdoors until the odor, in part at least, had been consumed by the air and sunlight." He says further: "I had often been told that the Indians would soon be a race of the past, and the selfish thought prevailed in me to acquire as many articles of their own make as I could. These, I felt in time, would be of value to those who thought as I did and would have some sentiment and feeling for their country and for our first inhabitants, who would like to have tokens of the first American, and preserve these evidences of their culture and their art for future generations." Thus he became a collector of Indian handicrafts, of paintings by Southwestern artists, of santos and historical relics such as old stage coaches, of stamps and coins, collections which still exist and, true to his prophesy, have increased in intrinsic value.

This brought him in intimate contact not only with the Indians but also with the Spanish-speaking people in the out-of-the-way plazas. Though brought up an aristocrat and fastidious in dress and food, he would mingle with these freely, share their simple meals and accept their primitive shelter.

Early thrown into political turmoil, he tells: "I used to go out campaigning with my father. Once a campaign was on and my father was running for Territorial Council, now known as State Senate. We traveled in a buggy, and our horses were tired. So we remained at Pojoaque for the night. Juan Bouquet and his good wife took us in, gave us a good supper and some good wine. We were shown to our room which had a comfortable bed but a dirt floor. On the floor beside the bed, Mrs. Bouquet had placed an Indian blanket. Next morning I told my father I wanted the blanket.

I asked Mrs. Bouquet if she would sell it to me, and she said she would; so I bought it for $3.50. My father tried to dissuade me as I had already spent too much on our trip. I still have the blanket. It is a very fine weave and color." Again exhibiting a life-long contradiction—a free spender, yet a good trader who would be punctilious even in small financial matters. As a banker, later, he spent large sums freely, and yet he would persistently keep after a debtor for a small obligation until it had been paid.

Acquiring a hand printing press and a modicum of type in trade as a boy, he set out to publish a newspaper, but with characteristic commercial instinct solicited advertising and subscriptions to back his boyishly idealistic utterances and political observations. A few copies of the paper are still in family possession, highly prized by them. As is the case with many men who have attained greatness or fame, Governor Seligman from boyhood had a great fascination for the other sex. He counted this an asset in political organization, assigning important places and tasks to women and commanding their loyalty and support to the last ditch at the polls. He loved social gayety and tells of an early experience: "At the time Fort Marcy was occupied, I used to attend the Post hops. One of the officers and his wife had been very kind to me and I felt indebted to them. After pondering long as to what I should give his wife as a birthday gift, I decided to take out of my collection a very nice saddler, a beautiful bayeta specimen. The officer was soon transferred to Washington, where ten years later I visited him. In going through their kitchen, I noted my beautiful saddle blanket on the floor in front of the kitchen range. It was so filled with grease and coal dust that it looked more like a squaw dress or a piece of rag carpet than it did an Indian saddle blanket. When we came back into the library, I noticed on the library table that some one had evidently dropped a lighted cigar and had burned in the table cover a hole about the size of half a dollar. I told my hostess that I thought she should have a new table cover

for her library table, and I would be willing to take an old Indian blanket that was on the floor in the kitchen, and for it she could go down to any of the stores and buy a new table cloth for her library table and send me the bill. Of course, she thought, I was playing a joke and to carry it out she sent me the blanket and a bill for $17.50 for the table cover. After a great many boilings, washings and cleanings, the blanket finally began to show up in its true colors, and the blanket is now one of the finest specimens in my collection." Again, the close observer, the shrewd trader, the keen politician, suave diplomat and gallant lady's man!

As chairman of the inaugural committees for more than thirty years, both for Democratic and Republican governors, he was expert in the niceties of these gala social events. He was one of the founders of the Santa Fé Club, for a time Santa Fé's leading social organization.

Public schools, private tutors, Swarthmore College Preparatory School (from which he graduated in 1887), and Pierce's Business College in Philadelphia, trained him for the business career which ran parallel with his political activities. President of Seligman Brothers Company for twenty-three years, president of the First National Bank at Santa Fé from 1924 until his death and for twenty-three years one of the directors, he was deep in many movements for the upbuilding of Santa Fé, most notably the community enterprise which resulted in construction of La Fonda, its famous tourist hotel, now part of the Harvey System.

His greatest financial undertaking, perhaps, was the settlement of the crushing indebtedness of Santa Fé county which had been incurred in the voting and issuing of railroad aid and court house bonds. Interest had been defaulted, property values throughout the county had dropped to the vanishing point on account of the debt, and the situation seemed hopeless. For years he persisted, calling to his aid men of prominence, lobbying in Washington and in the legislature at Santa Fé, pulling many strings until finally congress which had validated the debt, granted relief and

thus ushered in a new era of prosperity for the county and the state capital. His persistence and skill in this undertaking were characteristic of his career politically.

Enemies pointed to his friendship with prominent men of the Republican party as an inconsistency in one who professed unalterable allegiance to the Democratic party organization, but he made it serve the purpose which eventually brought his party and himself political triumph. It was his boast that he always voted the Democratic ticket straight, and yet his closest advisers in legislative matters were leading Republicans such as the late Charles A. Spiess, the late Charles Springer, Judge Edward R. Wright, Levi A. Hughes, Jan Van Houten, and other stalwart, conservative Republicans, while at the same time he counted as closest friend and counsellor, U. S. Senator Bronson M. Cutting, a Progressive Republican, who succeeded the late U. S. Senator A. A. Jones in his affections and admiration. It was Senator Cutting's return from Europe which he awaited anxiously in order to counsel with him over filling the vacant U. S. senatorship, although his political associates urged the governor to name himself and crown his own political career with this high office. His acquaintanceships and friendships among Democratic leaders were nation-wide, and he was highly regarded by them, sitting frequently in their most intimate councils. To many admirers, and often to the press, his reliance on men of opposite partisan opinion seemed inconsistent, but results proved it excellent generalship which snatched victory out of the very jaws of defeat.

Arthur Seligman often consented to vicarious sacrifice as a candidate for minor office in hopeless political campaigns in the face of certain defeat. Yet, he was astonishingly successful in winning against resourceful and powerful opposition in his own party, even oftener than against the forces of the Republican organization. His last victories, in being twice elected governor, were sweeping in every sense of the word, his majorities being greater than

had been deemed possible even by his own party friends. It seems that all the way in his political career he was compelled to fight against odds that would have frightened off most men. As mayor of Santa Fé, he succeeded in having the first street paving in the ancient and historic capital, many of whose property owners were bitterly opposed. Chairman of the board of county commissioners, chairman of the Democratic county and state committees, national committeeman, delegate to many state and national Democratic conventions, member of many important appointive boards, he astonished friend and foe alike with his grasp of political situations and his tireless efforts at creating and maintaining partisan organization.[1]

As governor he came upon the difficult period of the depression. The height of his ambition was fiscal reform—his endeavor to balance the budget was almost fanatical in its zeal. His greatest triumph apparently came when the figures were submitted showing that the state budget was balanced. His deepest chagrin followed when, shortly before his death, it was evident to him that budget balancing

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1. Among the positions held by him were:

Mayor of Santa Fé, 1910-1912.

Chairman board of county commissioners in which position he was instrumental in the building of a modern county jail and replacing the old wooden bridges across the Santa Fé river with concrete and stone structures.

Chairman of the Santa Fé council of defense during the Great War.

Chairman of the county war savings board.

Chairman of the county road board.

President Santa Fé merchants association.

Director northern New Mexico loan association.

Chairman exposition boards from New Mexico for the Pan-American exposition at Buffalo, and the St. Louis exposition.

Member of territorial and state boards of equalization.

Chairman democratic county committee for six years.

Chairman democratic city committee for eight years.

Member territorial democratic committee for sixteen years, part of the time as chairman.

Member state democratic committee for ten years, part of the time as chairman.

Delegate to the national democratic conventions in 1916, 1920, 1924, and 1932.

Member democratic national committee since 1920.

Member state irrigation commission.

Member of state educational survey.

Elected governor of New Mexico for two years in 1930, and re-elected in 1932 for two years.

THE LATE ARTHUR SELIGMAN
(Governor, 1931-33)

was merely a matter of bookkeeping; that after all, the tax rate would have to be increased; that cutting off twenty-five per cent from the legally made appropriations to institutions, which at their best were sparsely provided for, was not far from repudiation, and had no effect of consequence on the tax rate. He learned from bitter experience, and acknowledged it to his intimates, that after all it takes money to run a modern state, to give the people and the press a fraction of what they wanted, asked, and clamored for, when it appertained to their own locality and environment or their personal affairs. He looked with doubt upon the vast expenditures authorized by Washington but was eager to secure as much for the state and its people as was obtainable in the grand rush for public funds, which he knew too well must eventually come out of the pockets of the tax payers. While he held down expenditures to the minimum where he had the power, he never stinted the institutions which provided for the deaf, the blind, the unfortunate. He was unalterable in his determination that these must be provided for, no matter how heavy the burden upon the tax payer. He also believed in the highway systems across the state. He took deep interest in developing the state's scenic wonders such as the Carlsbad Cavern and such institutions as the State Museum and the Historical Society which he felt brought more people, more capital, and more revenue to the State than most industries. He was a life-long member of the Historical Society and it was one of the few institutions for which he recommended an increased appropriation to the legislature.

Governor Seligman was not a religious man in the way of church membership or church attendance. His attitude toward church and ecclesiasts, however, was respectful and even reverent. He was a contributor to Jewish and Catholic charities and the Hebrew church in its press throughout the world made much of the fact that he was of Jewish descent.

In addition to being a 32d degree Mason, he was a

member of the Benevolent Order of Elks and a number of civic associations, including the Santa Fé Chamber of Commerce.

Outside of his collections, Governor Seligman had few hobbies. He was an ardent baseball fan; he enjoyed motoring and took long motor trips, often at night, although he did not drive a car himself. He organized a Glider Club and was an aviation enthusiast. He rose late in the morning and retired very late at night, a habit which puzzled his friends and in which he persisted despite pleadings of family, urging of associates, and advice of physicians. It gave a tinge of unreality to his life and business activities. He offset this with a canny executive ability which enabled him to draft the best efforts of experts in formulating policies for him, working out problems, preparing data for addresses, and executing details. Far more than outward demeanor betrayed, Governor Seligman was sentimental, romantic, idealistic, and sensitive. While pretending to be inured to public criticism he was hurt to the quick by unjust newspaper comments, by treachery of those whom he had regarded as friends and whom he had helped in their days of need. He was intensely loyal to those who had given evidence of friendship for him and clung to them even in the face of fierce and continuous attacks and venomous criticism. Apparently dilatory at times, he was capable of swift and decisive action, as was manifested for instance just before his death, when he ordered the National Guard to Gallup to forestall destruction of property and bloodshed in a strike of coal miners.

It is too soon after his death to assign an exact place to Arthur Seligman in the New Mexico pantheon of more than a hundred governors. This much is true, however, that he was more than a mere politician, that he was a statesman, and that he is bound to rank high among the men born, reared, and attaining place of responsibility in the commonwealth of New Mexico.

On July 4, 1896, Arthur Seligman and Frankie E.

Harris were married, Mrs. Seligman established a congenial home of taste and refinement, and, although a leader in social and civic circles, made her husband's ambitions her chief aim in life.

Governor Seligman was stricken with an attack of angina pectoris at noon of Monday, September 25. He had left the Capital City, Santa Fé, that morning at nine o'clock, after a brief visit to the First National Bank. Over the telephone he discussed with Levi A. Hughes, chairman of the board of directors of the bank, several phases of the talk which he was to make that forenoon before the New Mexico Bankers Association at Albuquerque. He went over the same matter with the writer, and then, accompanied by George Bloom, assistant cashier of the bank, motored to Albuquerque and went directly to the Franciscan hotel where the bankers were in session. He was apparently in good health and made an impression of vigor and earnestness as he read his address which was enthusiastically received and in which he spoke both as a banker and as the chief executive of the commonwealth. He sat down by the side of James B. Read, Taos banker, who later that day was elected president of the association, and was listening to the latter's commendation of his address, when he put his hand to the region of the heart and remarked: "I feel a pain." Arising, the governor walked into the hallway where he met Oscar Love, Albuquerque banker, and again complained of being ill. Love accompanied the governor to the latter's room and called Dr. W. R. Lovelace, for many years physician to the Seligman family.

The medical man immediately recognized the seriousness of the attack, but despite all efforts, the stricken man sank rapidly into unconsciousness, arousing from his stupor only long enough to remark to State Bank Examiner Bingham: "What is all this commotion? I must hurry back to Santa Fé for I have so many things to do!" Death came a few minutes later as he was surrounded by friends who had gathered anxiously in the room.

Mrs. Seligman had been notified that her husband was seriously ill and motored immediately to Albuquerque from Santa Fé only to be apprised of his death. The funeral took place on Thursday afternoon, September 28, from the Capitol of the state, amid an imposing military display and vast throngs which crowded the highway from the Capitol to the Cemetery. The Episcopal service for the dead was read in the House of Representatives by the Rev. Walter Trowbridge of the Church of the Holy Faith at Santa Fé. At the mausoleum in Fairview Cemetery, the Masonic Blue Lodge ritual was impressively rendered.

Honorary pall bearers included scores of men of prominence, the active pall bearers being friends and associates: Dr. W. R. Lovelace, Clinton P. Anderson, Juan N. Vigil, Paul A. F. Walter, George Bloom, E. B. Swope, Martin Gardesky, John Bingham, Frank Horn, and Jesús M. Baca.

P. A. F. W.

# BOOK REVIEWS

*Yuman Tribes of the Gila River.* By Leslie Spier. (University of Chicago Press, 1933. xviii+433 pp. Illustrations; bibliography; index. $4.00.)

Dr. Spier's book fills a noteworthy and important gap in the ethnography of the Southwest and is perhaps an even more significant contribution than his *Havasupai Ethnography.*

The book begins with a detailed discussion of our knowledge of the tribal distribution of the Maricopa, Kaveltcadom, and Halchidoma in historic times. Spier shows that even if we identify the Cocomaricopa of Spanish chronicles with the Maricopa of our day and the Opa with the Kaveltcadom, nevertheless it is extremely doubtful that the Maricopa have lived within the last three centuries on the Lower Gila below the great bend. Hence it seems likely that the Maricopa and Pima have had close cultural connections for a much longer time than has been generally assumed. Throughout the book Spier stresses the reciprocal nature of these cultural connections.

Following this account of tribal distribution and intertribal relations comes a full description of the bases of the economic life of these tribes before their transition to modern rural conditions, a section on houses, a section on dress and ornament, and one on technology. The chapter on time-reckoning with its correlations to historical events is one of the most interesting in the book.

Social structure is treated very completely and the link between these and other Yuma-speaking tribes, especially those of the lower Colorado, is clearly shown. The study of religious life is extremely well done. The absence of ritual dances is remarkable, as is the extraordinary prominence given to dream experience. In general, the religious and ceremonial forms seem very unakin to the general Southwestern complex.

The chapter on "Individual Development" contains a

great deal of suggestive and valuable incidental material. The final eighty pages of the book are given over to a very fine selection of folktales. Taken as a whole, the book gives a very satisfactory and integrated picture of these peoples, hitherto neglected by ethnographers. There is an occasional lack of lucidity in expression and one sometimes would like to know whether particular assertions are based on information given by more than one informant.

CLYDE K. M. KLUCKHOHN.
*University of New Mexico.*

*American Foreign Policy in Mexican Relations.* By James Morton Callahan. (New York, The Macmillan Co., 1932, 626 pp.)

In this volume, the author gives us what he claims is "the first general historical view of American-Mexican policy." The author has done a fairly satisfactory piece of work. Some of us, however, had considered Professor Rippy's contribution in this field as giving us a general view, although in many points lacking in certain details which are to be found in the present volume. In this work, Professor Callahan relies "upon the manuscript archives at the Department of State at Washington—especially upon the volumes of 'Instructions' and 'Despatches.'" For the first decade after 1907 he has relied chiefly "upon published volumes of Foreign Relations and other government documents," and for the decade since 1920, he has largely "supplemented the government documents by newspaper files." In addition to these original sources, he has used such secondary material as the studies of Manning, Rives, Reeves, Garber, and Rippy. He has not, however, consulted Mexican archives and other published Mexican sources, nor has he referred to British sources.

To a person with a general background and interest in United States-Mexican relations, the volume will no doubt prove interesting because of its vast amount of detailed information with dates of diplomatic correspondence and instruction, and "who's who" information in regard to the

personalities participating in the diplomatic episodes discussed. With but few exceptions the volume is written in the calm objective style so dear to the heart of members of the cult who glory in what is called modern scholarship. The author volunteers but few attempts at interpretation. Synthesis, generalization, and interpretation which are logical and valid functions of the scientific mind are avoided. This manner of treatment, however, with its punctilious attention to details and dates will, no doubt, place this volume on the reference shelf, and thus restrict its reading to students of history and diplomacy, and leave the general reader to seek his knowledge and understanding of our very interesting relations with Mexico from other more popularly written sources, in which the high art of generalization and interpretation is not considered out of place.

The author's alleged reason for presenting his book is the public interest in United States-Mexico diplomatic relations created by the unrest during the period 1911-1931. The 1911 revolution marked the overthrow of the Díaz regime and the most marked period of foreign capitalistic invasion, ending in a widely spread possession and control of Mexico's mineral wealth and other natural resources. The struggle of the Mexicans for internal organization, stability, and for repossessing their own natural wealth was a period most annoying to the United States. "The pacification of Mexico," to use the author's words, which was brought about by Dwight W. Morrow, seems to bring this period to a close. The author speaks approvingly of the methods of Mr. Morrow which included his many expressions concerning the welfare of the Mexican people and his friendly breakfasts with President Calles. Certainly the methods of Dwight W. Morrow were a great improvement over the methods of Woodrow Wilson in dealing with Huerta, and the methods adopted by the Harding and the early part of the Coolidge administrations. It is probable that the period 1919-1929, which represented the gala

days of American capitalism at home, brought from some of our governmental officials statements that represent the high-water mark in nationalistic arrogance and investment diplomacy in Mexico.

Some statements by our public men prior to the mission of Mr. Morrow are worth recalling. Early in the Harding administration, Secretary Fall wrote, "So long as I have anything to do with Mexican questions, no government of Mexico will be recognized with my consent which does not first enter into a written agreement promising to protect American citizens and their property rights in Mexico." This attitude was again expressed in 1921 by Secretary Hughes in his outline of the general American policy when he urged that the fundamental and vital question was, "the safeguarding of American porperty rights against confiscation." The final expression of this attitude was made by President Coolidge in April 1927 when, at a dinner of the United States Press Association, he declared "the person and property of a citizen are a part of the general domain of a nation even when abroad." Such public statements of our blustering diplomacy failed to stop Mexico in the application or enforcement of Article twenty-seven in her new Constitution; and since public opinion in the United States did not look with favor on aggressive measures, the pacification program of the Morrow mission was adopted. From the point of view of American dipolmacy the Morrow mission was successful. The diplomacy of friendly breakfasts succeeded where bluff and arrogance failed.

But granting the scholarly research involved in getting material for this volume, and a satisfactory objectivity in reporting it, is this enough in a volume of this kind? Must the scholar who has waded through this mass of evidence stop there? The volume lacks that touch which the scientist would give to the results of his investigations—a tentative interpretation of his evidence.

ARTHUR S. WHITE.
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*America in the Southwest, A Regional Anthology.* Selected and Edited by T. M. Pearce, Ph.D., associate professor of English at the University of New Mexico, and Telfair Hendon, M.A., instructor of English at the University of New Mexico. (The University Press, Albuquerque, N. M., 1933. xxviii+346 pp. $3.00.)

Books of prose selections for use in college composition courses come off the press in such a steady stream that it is surprising to find one with an entirely new principle of selection. *America in the Southwest,* while roughly divided into the traditional exposition, description, and narration, has the more alluring headings: What is the Southwest? Where is the Southwest? Who is the Southwest? This division puts the emphasis more upon the matter than manner of expression. In answer to the questions, southwestern voices are allowed to speak.

Mary Austin, who has always preached the gospel of regionalism with stimulating effect on other southwestern writers, is of course represented. So also are Willa Cather, Frank Applegate, Harvey Fergusson, Erna Fergusson, Alida Sims Malkus, Witter Bynner, Paul Horgan, J. Frank Dobie, Charles F. Lummis, R. L. Duffus, Elizabeth Willis De Huff, Omar Barker, Stanley Vestal, Andy Adams, Frederick Bechdolt, Ruth Laughlin Barker, Douglas Branch, John Chapman, Emerson Hough, Robert Raynolds, Eugene Manlove Rhodes, Dorothy Scarborough—and even these names do not exhaust the varied list.

An interesting phase of the book, however, is the amount of space given to those who are not primarily literary men. That selections from their work are often among the best in the book is a healthful discovery for professional writers to make, for readers to make, and for students of composition to make,—though surely only students of composition can be surprised at it. And probably they will be least surprised of all.

For it is an axiom that a man who has something to say will find a way to say it—and the less his eye is on the

manner of saying the better; the fitting words will be found. If we want to know about bell towers and capitals then, we go to an architect—William Templeton Johnson. For archaeological and ethnological material we can go to Edgar L. Hewett and Hartley Burr Alexander. To exclude them from professional writers, it is true, is, in view of their extensive published work, a little absurd. It is done on no finely drawn technicality, but on their probable preference for being known first of all as scientists. The integrity of these men's prose is not surprising; nor, except to those who are having their introduction to them in this volume, are the passages of very real beauty to be wondered at.

When, however, one looks over the whole list of contributors, with work drawn from such contrasting publications as the *Yale Review*, the *Southwest Review*, the *New Mexico Quarterly*, and *Folk-Say*, on the one hand, and the *Saturday Evening Post* and *West Magazine* on the other, it must be admitted that these selections are uneven in quality. Yet, again taking the clearly defined point of view of the editors into consideration, this also seems to be a virtue. A survey of what the Southwest is saying—a regional diagnosis—should not refuse to listen to those who speak in a popular as well as in a scholarly fashion. For that matter, this aspect of the book again shows that pigeonholing writers and publications—as editors of most prose anthologies such as this are prone to do and as these editors avoid doing with refreshing unconventionality—is unsafe. The reader may be surprised at the places where he finds his nuggets.

Moreover, this unevenness is more stimulating to the imagination than a neat literary orthodoxy would be. The reader who approaches the book with a diagnostic purpose, as the editors evidently desire him to do, will be led to wonder about America in the Southwest ten years from now. As a quick survey this is the sort of thing that might well be repeated periodically. For in spite of selections from Susan Shelby Magoffin and from Bandelier, from James Josiah Webb and Frederick Ruxton, the book is mainly a

collection of today's materials. Tomorrow will have its own speech. And if for comparative purposes, yesterday is also allowed to speak, perhaps the next volume will bring material of more salty vigor and beauty from the pages of Cushing, of Washington Matthews, of Benavides;—the names from yesterday, and from yesterday's languages, crowd for room. Probably that is the reason why yesterday is allowed so faint a voice.

But for contemporary writing this covers a surprisingly wide field. Some of the tendency for short selections from such a wide field to scatter is counteracted by an excellent introduction explaining the significance of such a regional approach. This introduction is written by Dr. Pearce, whose work in the field of southwestern vocabulary and usage and as editor of the *New Mexico Quarterly* makes him the man for such an analysis. The plan of the book is briefly outlined by Dr. Pearce and Mr. Hendon. A survey of the types of characters represented in the section of the book entitled "Who is the Southwest" is given in a thoughtful and suggestive introduction to that section written by Mr. Hendon, who died before the book was completed.

With the engaging balance that the whole book shows, the editors include in it a symposium on the subject of regional literature conducted by the *Southwest Review* with contributions from Mary Austin, Stanley Vestal, Roger Adger Law, Albert Guerard, J. Frank Dobie, Howard Mumford Jones, John William Rogers, John Chapman, John C. Granbery, E. E. Leisy, B. A. Botkin and Witter Bynner. Some of these people are opposed to a regionalism which is too conscious of itself, too rigid in its boundaries. Such questioning clarifies and perhaps strengthens the point of view upon which the book is built. At any rate, to include it in an examination of regional culture is honest, and adds spice.

With its balance and unconventionality of content, the book will do for southwestern students something they have been crying for. It will show them their own materials.

No longer need they say—"But I can't write. I haven't anything to say. Here is Conrad writing of the sea—but I have never seen the sea. Here are men writing about London and New York and Chicago—but I live fifty miles from a neighbor." It has been a fair challenge that has come to every composition instructor. Now the answer is at hand. "Here is Willa Cather writing about a piñon, writing about a cottonwood. In these pages are the health seeker, the artist, the realtor; here are cattle, and cowpunchers, and cliff dwellings, and pueblos. These are your people, your places. See what others can write about them. See what you can write about them."

Such a book should bring consolation to both teacher and student. That it brings stimulus too to the reader and the writer outside the University classroom, that it gives a cross section of today's southwestern cultural expression, makes it more than a textbook—and therefore makes it a better textbook.

FRANCES GILLMOR.

*University of New Mexico.*

*New Mexico History and Civics.* By Lansing B. Bloom, A. M. and Thomas C. Donnelly, Ph.D. (The University Press, Albuquerque, N. M., 1933. 539 pp. Illustrated. $2.50.)

Written primarily for the high schools of New Mexico, this work will appeal to a much larger circle. It is a scholarly, authoritative production which brings the history and civics of New Mexico up to the last minute, necessarily supplanting earlier text books. It is fortunate that the writing of this text book was undertaken by men of ripe and recognized scholarship whose familiarity with the sources and whose mastery of their subjects enabled them not only to differentiate between the trivial details and the important undercurrents which culminated in decisive events but also to present their subject matter interestingly with a real sweep of comprehensiveness.

The authors speak for themselves in the preface and the reviewer enthusiastically endorses their viewpoint when they say: "The history of our state is presented as an *interpretation* rather than as a complete and detailed *narrative.* Yet familiarity with, and use of, our rich source materials and the many and varied writings of earlier authors is both necessary and desirable. To this end, by the aid of frequent reading-lists and questions, the student and the teacher (in preparation and later in class discussion) may verify or criticize our interpretation, and they may discover a wide range of topics for stimulating thought and discussion. It will be found that the background of historical continuity is present, but space and emphasis are given to aspects of our history which have been largely overlooked or misunderstood by earlier writers.

"The section on civics will be found to be the most complete treatment yet offered of the government of New Mexico. The attempt has been made, not only to present to the student a clear picture of the organization and functioning of his own state government, but also to compare and contrast, here and there throughout the text, New Mexican practices with those found in other states. Thus evaluations are made possible, and a provincialism found in many text books on state civics has been avoided."

The arrangement and sequences of the book are somewhat unusual but logical. The nice discrimination and temper with which even controversial points are treated are admirable and the absence of bombast, too often found in local school histories, is commendable. Yet, full justice is done to the romance of New Mexico's "rich and colorful past" and to its cultural and political development.

The first chapter briefly sketches the European background of the era of discovery in Spanish history, with reference to the motives of the Conquistadores, to wit: the thirst for gold and other treasure, the desire to find an adequate supply of labor, and the evangelization of the pagan world. "The Northern Mystery" is the second chapter

heading and covers the travels of Cabeza de Vaca and the expedition of Coronado, a disappointed and disillusioned leader whose journeyings to the Seven Cities of Cíbola and the Gran Quivira convinced his followers that "there was nothing worth returning for."

It is in the third chapter that Historian Bloom takes up the prehistory of New Mexico as archaeologists have revealed it at Chetro Ketl, on the Pajarito Plateau, at Pecos, in the Jemez country, at Tabirá and other ancient settlements, the beginning of which in some instances has been taken back to the ninth century by careful tree-ring analysis. It presents a most interesting story of cultural development, which, according to the author, possibly began thousands of years ago for it is the only way in which he can explain the linguistic differences of closely related and situated town groups. The seventy years from Coronado to the founding of Santa Fé include the stirring events which continue to color the aspirations and progress of the commonwealth even to this day. Amazing are the episodes of "The Great Missionary Era" covered by Chapter V, the martyrdom of scores of Franciscans and the conflicts and internecine struggles of ecclesiastical and secular authorities.

"Spaniards versus French, 1673 to 1769," the subject of Chapter VI, developes the gradual encroachments on the Spanish Domain from the east. It was a century of Indian wars, of the Pueblo rebellion, the reconquest and the emergence of Santa Fé as a center of commerce. Then came the period from 1776 (the year of American Independence,) to 1821, the year of separation from Spain. "Monotonously uneventful" one historian calls these years, and yet Chapter VII presents a vivid review of events, some of which, like the myth of the "Sierra Azúl" with its reputed fabulous mines of silver and quicksilver, and the marvelous exploits of Governor Juan Bautista de Anza, "one of the ablest men who ever held this office," might well be the themes for great epics.

It was during "The Mexican Interlude" (Chapter VIII) that New Mexico looked toward the east with growing apprehension and yet desire. "The Blending of the Two Frontiers," in Chapter IX, with its story of the Santa Fé Trail, the Conquest by the American Invaders, the Civil War, the Coming of the Railroads, the growth of the range industry and the political intrigues of territorial days, is a book in itself. The tenth chapter treats of the events and growth since New Mexico was admitted as a State, including New Mexico's part in the World War and the years of economic depression.

No other commonwealth has had so splendid and wonderful a story and Lansing B. Bloom, editor of the *New Mexico Historical Review*, associate professor of history of the University of New Mexico and associate of the School of American Research, tells it so well in 250 pages that it should be read in every New Mexico household and find a place on every Southwestern library shelf.

Dr. Donnelly, until lately professor of political science at the New Mexico State Teachers College, is given 275 pages to develop his theme in fourteen chapters, treating philosophically as well as lucidly "The Constitution of New Mexico," "The Electoral Process," "The Legislature," "The Governor," "State Administration," "The State Educational System," "State Finance," "The State Courts," and "County, Village, Town and City Government." Especially interesting and valuable are the latest statistics available, which give a graphic birdseye view of present day conditions. A glossary, a well edited and complete index, approximately a hundred maps, plats, portraits, and other illustrations, and excellent typography make the volume most attractive, a credit to authors and press. The volume is dedicated to the late Amado Chaves, first superintendent of public instruction "worthy heir of our early history, distinguished citizen, cultured Christian gentleman."

P. A. F. W.

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